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U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY—BULLETIN No. 112, Part I.

H. W. WILEY, Chief of Bureau.

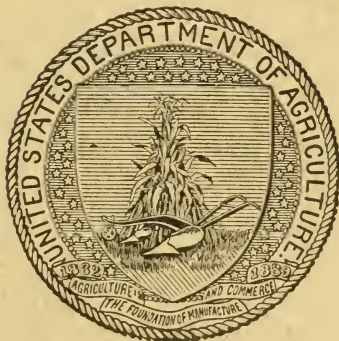
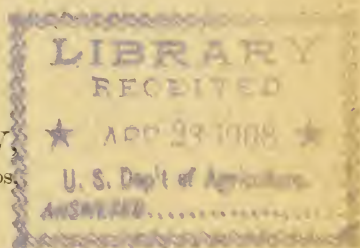
FOOD LEGISLATION DURING THE YEAR ENDED JUNE 30, 1907.

I. FEDERAL LAWS AND LAWS OF STATES
AND TERRITORIES, ALABAMA TO
NEW HAMPSHIRE, INCLUSIVE.

By

W. D. BIGELOW

CHIEF, DIVISION OF FOODS



WASHINGTON:

GOVERNMENT PRINTING OFFICE.

1908.

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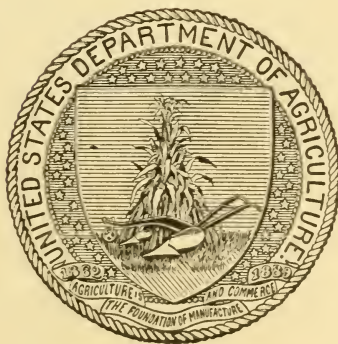
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1908.

LETTER OF TRANSMITTAL.

U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY,
Washington, D. C., February 17, 1908.

SIR: I have the honor to transmit for your inspection and approval a compilation of the food legislation during the year ended June 30, 1907. The remarkable activity in State legislation caused by the desire to conform to the Federal food and drugs act, June 30, 1906, makes this compilation of special interest. I recommend its publication as Bulletin 112 of the Bureau of Chemistry, in two parts; Part I to contain the Federal laws and the laws of the several States and Territories, alphabetically arranged, from Alabama to New Hampshire, inclusive; Part II to contain the laws of the remaining States and Territories.

Respectfully,

H. W. WILEY,
Chief of Bureau.

HON. JAMES WILSON,
Secretary of Agriculture.

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FOOD LEGISLATION DURING THE YEAR ENDED JUNE 30, 1907.

INTRODUCTION.

The year ended June 30, 1907, was marked by unusual activity in the enactment of laws regulating the manufacture and sale of foods. During that time seven States and the Philippine Islands, which had previously made no attempt whatever to control the character or quality of their foods, enacted new laws, with enforcing officers and appropriations to make their enforcement possible. New laws were also enacted in three States which will probably not be enforced because of the failure to provide enforcing officer or appropriation. Of the States which previously enforced food legislation, twenty-one during the last year have enacted new laws or amended such legislation in a way to bring it more into conformity with the Federal food and drugs act, passed June 30, 1906.

The tendency in this direction at the present time is well illustrated by a comparison of the number of States now enforcing food laws with the number that enforced them in 1905. Of the fifty-three States and Territories in the United States, including the insular possessions, twenty-five made a serious attempt to enforce creditable food laws on July 1, 1905, as compared with forty-two at the present time. These numbers do not include the States in which laws have been enacted without appropriations for their enforcement. Of the remaining number three are Territories and come within the provisions of the Federal food and drugs act. Only eight States, therefore, have no food laws with appropriations and machinery for their enforcement.

The publication of this bulletin has been unavoidably delayed because it was found impossible to secure at an earlier date authentic copies of the laws passed.

FEDERAL LAWS.

During the fiscal year ended June 30, 1907, no Federal food laws were passed. The following circulars and decisions issued by the Bureau of Animal Industry and the Bureau of Chemistry of the U. S. Department of Agriculture are enumerated as a matter of record, but are not reprinted.

Bureau of Animal Industry: Instructions Concerning Stocks of Meat Products on Hand October 1, 1906 (January 7, 1907). Amendment No. 8 to B. A. I. Order No. 137, being amendment to regulations 50, 53, 55, 56, 61, and 64, governing the interstate and foreign transportation of meats and meat food products (January 21, 1907). Amendment No. 9 to B. A. I. Order No. 137, providing for a regulation governing the transportation of meat by ferry in interstate commerce, and amending the certificate prescribed by regulation 53 (as found in amendment No. 2 of aforesaid order) (March 15, 1907). Amendment No. 10 to B. A. I. Order No. 137, being an amendment to regulations 50, 56, and 64, governing, respectively, the interstate and foreign transportation of meats and meat food products prepared prior to October 1, 1906, and of meats and meat food products of animals slaughtered by a farmer on the farm, and the interstate transportation of imported meats and meat food products (April 5, 1907).

Bureau of Chemistry: Food Inspection Decision 44, Scope and Purpose of Food Inspection Decisions. 45, Blended Whiskies. 46, as amended, Fictitious Firm Names. 47, Flavoring Extracts. 48, Substances Used in the Preparation of Foods. 49, Time Required to Reach Decisions on Different Problems Connected with the Food and Drugs Act, June 30, 1906. 50, Imitation Coffee. 51, Coloring of Butter and Cheese. 52, Form of Label. 53, Formula on the Label of Drugs. 54, Declaration of the Quantity or Proportion of Alcohol Present in Drug Products. 55, Method of Stating Quantity or Proportion of Preparations (Containing Opium, Morphine, etc.) Used in Manufacturing Other Preparations. 56, Names to be Employed in Declaring the Amount of the Ingredients as Required by the Law. 57, Physicians' Prescriptions: The Status of Packages Compounded According to Physicians' Prescriptions and Entering into Interstate Commerce. 58, The Labeling of Products Used as Food and Drugs as well as for Technical and Other Purposes. 59, National Formu-

lary Appendix. 60, Minor Border Importations. 61, Cocoa Butter Substitutes. 62, Guaranty on Imported Products. 63, Use of the Word "Compound" in Names of Drug Products. 64, Labeling of Sardines. 65, The Labeling of Whisky, Blends, Compounds, and Imitations Thereof. 66, The Use of Sugar in Canned Foods. 67, Polishing and Coating Rice. 68, Labeling of Food and Drug Products "Manufactured For," "Prepared For," "Distributed By," etc. 69, Inspection of Food and Drugs and Identification of Inspectors. 70, Abuse of Guaranty for Advertising Purposes. 71, Labeling of Succotash. 72, Use of Guaranties and Serial Numbers Thereof. 73, Interstate Transportation of Imported Meats and Meat Food Products.

ALABAMA.

CORN MEAL.

SEC. 1. *Packing and branding.* On and after the approval of this act, it shall be unlawful for any miller, firm, person or corporation who manufactures, grinds, or repacks corn meal, or who conducts a merchant mill, to pack or cause to be packed, to be offered for sale to merchants or the general public, or to carry in stock, with intent to sell, corn meal, bolted or unbolted, packed in any other than six pounds, twelve pounds, twenty-four pounds, forty-eight pounds and ninety-six pound sacks; or ninety-six pound barrels, and one hundred and ninety-six pound barrels, wood. The sacks shall have plainly printed or stenciled upon them, "Bolted Meal" or "Unbolted Meal" (steam or water ground as the case may be—as indicating the kind of power used in the mill producing the same). "Eighth Bushel," "Fourth Bushel," or "Peck," "Half Bushel," "One Bushel," "Two Bushels," and the barrel and half barrel, shall show the net weight in pounds.

SEC. 2. *Weight of packages.* It shall be unlawful for any merchant, dealer, vender, hawker, or other character of seller, to sell, offer for sale or keep in stock with intent to sell, any corn meal, bolted or unbolted, in any other than six pounds, twelve pounds, twenty-four pounds, forty-eight pounds, and ninety-six pound sacks; or ninety-six pound half barrels, and one hundred and ninety-six pound barrels, wood. Provided, any retail merchant, may *on order* weigh from bulk meal, any number of pounds desired by an individual customer.

SEC. 3. *Penalty.* Any person, firm, or corporation violating either one of the foregoing sections, shall be guilty of a misdemeanor and on conviction shall be fined not less than fifty, nor more than one hundred dollars for the first offense, but on the second conviction, shall be fined not less than one hundred, nor more than five hundred dollars—one-fourth of said fine in either instance, shall be paid to the informer, furnishing proof leading to conviction out of the county treasury after the payment of such fine upon the order of the solicitor prosecuting the case.

SEC. 4. *Repeal.* All laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Approved March 5, 1907. General Laws 1907, No. 269, pp. 273-274.

ARKANSAS.

GENERAL FOOD LAWS.

SEC. 1. *Penalty for misbranding.* It shall be unlawful for any person to manufacture within the State any article of food or drug which is adulterated or misbranded within the meaning of this Act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for such offense shall, upon conviction thereof, be fined not to exceed five hundred dollars, (\$500), or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof, shall be fined not less than one thousand dollars (\$1,000), or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court.

SEC. 2. *State officers to make rules; collection of samples, etc.* The State Treasurer, the secretary [commissioner] of agriculture, mines and manufactures and secretary of State shall make uniform rules and regulations for carrying out the provisions of this Act, including the collection and examination of specimens of food and drugs manufactured or offered for sale in the State.

SEC. 3. *Examination of samples collected; notice of adulteration given to party from whom sample was obtained; hearing.* The examination of specimens of foods and drugs shall be made by the State Commissioner of Health, or under the direction and supervision of such commissioners for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this Act, and if it shall appear from any such examination that any of such specimens is [are] adulterated or misbranded within the meaning of this Act the secretary [commissioner] of mines, manufactures and agriculture shall cause notice thereof to be given to the party from whom such sample was obtained.

Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed aforesaid, and if it appears that any of the provisions of this Act have been violated by such party, then the secretary [commissioner] of mines, manufacturing and agriculture shall at once certify the facts to the proper prosecuting attorney, with a copy of the results of the analysis or the examination of such articles, duly authenticated by the analyst or officer making such examination under the oath of such office. After judgment of the court, notice shall be given by publication in such a manner as may be prescribed by the rules and regulations aforesaid.

SEC. 4. *Prosecutions.* It shall be the duty of each prosecuting attorney to whom the secretary [commissioner] of mines, manufacturing and agriculture shall report the violation of this Act, or to whom any health or food or drug officer or agent of any county shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper course [courts] of the State, without delay, for the enforcement of the penalties as in such case herein provided.

SEC. 5. "*Drug*" and "*food*" defined. The term "drug" as used in this Act shall include all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animal. The term "food" as used herein shall include all articles used for food, drink, confectionery or condiment by man or other animal, whether simple, mixed or compound.

SEC. 6. *Adulterations defined.* For the purpose of this Act an article shall be deemed to be adulterated:

In the case of confectionery:

If it contains terra alba, barytes, talc, chrome yellow or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug.

In the case of food:

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it is mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health.

Sixth. If it contains^a in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of any animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

For the purpose of this Act an article shall also be deemed be^a misbranded.

In the case of food:

First. If it be an imitation of, or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilid or any derivative or preparation of any such substance contained therein.

Third. If any^a in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of package.

Fourth. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substance contained therein, which statement, design or device^a shall be false or misleading in any particular; *Provided*, that any article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of, or offered for sale under the distinctive name of an-

^a So in Statutes.

other article, if the name be accompanied on the same label or brand with the statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, and the word "compound," "imitation" or "blend," as the case may be, is plainly stated on the package of which it is offered for sale; *Provided*, that the term "blend," as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring or flavoring only; and *provided further*, that nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods or medicines, which contain no unwholesome added ingredients to disclose their trade formula, except in so far as the provisions of this Act may require to secure freedom from adulteration or misbranding.

SEC. 7. Exemption from prosecution. No dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the State, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecution, fines and other penalties which would attach in due course to the dealer under the provisions of this Act.

SEC. 8. Destruction of deleterious articles. The State Treasurer shall deliver to the secretary [commissioner] of mines, manufacturing and agriculture upon his request from time to time, samples of food and drugs which are being manufactured in the State, or offered for sale, giving notice thereof to the owner, who may appear before the secretary [commissioner] of mines, manufacturing and agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drugs offered to be manufactured or for sale, is adulterated or misbranded within the meaning of this Act, or is otherwise dangerous to the health of the people of the State, the State Treasurer shall cause the destruction of any goods refused to be manufactured or sold within three months from the date of notice of such refusal, under such regulations as the State Treasurer may prescribe.

SEC. 9. Effect. This Act shall be in force and effect from and after the first day of January, 1908.

SEC. 10. Repeal. All Acts and parts of Acts inconsistent herewith are hereby repealed.

Approved May 28, 1907. Acts of 1907, No. 431, pp. 1155-1162.

CONFECTIONERY.

See General Food Law, page 12.

CALIFORNIA.

GENERAL FOOD LAWS.

SEC. 1. *Adulteration, mislabeling and misbranding.* The manufacture, production, preparation, compounding, packing, selling, offering for sale or keeping for sale within the State of California, or the introduction into this state from any other state, territory, or the District of Columbia, or from any foreign country, of any article of food or liquor which is adulterated, mislabeled or misbranded within the meaning of this act is hereby prohibited. Any person, firm, company, or corporation who shall import or receive from any other state or territory or the District of Columbia or from any foreign country, or who having so received shall deliver for pay or otherwise, or offer to deliver to any other person, any article of food or liquor adulterated, mislabeled or misbranded within the meaning of this act, or any person who shall manufacture or produce, prepare or compound, or pack or sell, or offer for sale, or keep for sale, in the State of California any such adulterated, mislabeled or misbranded food, or liquor shall be guilty of a misdemeanor; *provided* that no article of food shall be deemed adulterated, mislabeled or misbranded within the provisions of this act, when prepared for export beyond the jurisdiction of the United States and prepared or packed according to specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if such foods shall be in fact sold, or kept or offered for sale for domestic uses and consumption, then this proviso shall not exempt said article from the operation of any provisions of this act.

SEC. 2. *"Food" defined.* The term "food" as used in this act shall include all articles used for food, drink, liquor, confectionery or condiment by man or other animals, whether simple, mixed, or compound.

SEC. 3. *Standard of purity.* The standard of purity of food and liquor shall be that proclaimed by the Secretary of the United States Department of Agriculture.

SEC. 4. *Adulteration defined; provisos.* Food shall be deemed adulterated within the meaning of this act, in any of the following cases:

First. If any substance has been mixed or packed, or mixed and packed with the food so as to reduce or lower or injuriously affect its quality, purity, strength, or food value.

Second. If any substance has been substituted wholly or in part for the article of food.

Third. If any essential or any valuable constituent or ingredient of the article of food has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated or stained in any manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredient.

Sixth. If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal or vegetable unfit

for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter; *provided* that an article of liquor shall not be deemed adulterated, mislabeled or misbranded if it be blended or mixed with like substances so as not to injuriously reduce or injuriously lower or injuriously affect its quality, purity or strength.

Seventh. In the case of confectionery: If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

SEC. 5. *Definition.* The term "misbranded" as used herein shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food product which is falsely branded as to the county, city and county, city, town, state, territory, District of Columbia or foreign country in which it is manufactured, or produced.

SEC. 6. *Mislabeled and misbranding defined; provisos.* Food and liquor shall be deemed mislabeled or misbranded within the meaning of this act in any of the following cases:

First. If it be an imitation of or offered for sale under the distinctive name of another article of food.

Second. If it be labeled or branded or colored so as to deceive or mislead, or tend to deceive or mislead the purchaser, or if it be falsely labeled in any respect, or if it purport to be a foreign product tend^a to mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substance contained therein, which statement, design, or device shall be false or misleading in any particular.

Fifth. When any package bears the name of the manufacturers, jobbers or sellers, or the grade or class of the product, it must bear the name of the real manufacturers, jobbers or sellers and the true grade or class of the product, the same to be expressed in clear and distinct English words in legible type, *provided*, that an article of food shall not be deemed misbranded, if it be a well-known food product of a nature, quality and appearance, and so exposed to public inspection as not to deceive or mislead nor tend to deceive or mislead a purchaser, and not misbranded and not of the character included within the definitions 1 to 4 of this section.

SEC. 7. *Definition.* The term "package" as used in this act shall be construed to include any phial, bottle, jar, demijohn, carton, bag, case, can, box or barrel or any receptacle, vessel or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer or dealer, for inclosing any article of food.

SEC. 8. *Violation of act.* The possession of any adulterated, mislabeled or misbranded article of food or liquor by any manufacturer, producer, jobber, packer, or dealer in food, or broker, commission merchant, agent, employé or

^a So in Statutes.

servant of any such manufacturer, producer, jobber, packer, or dealer, shall be prima facie evidence of the violation of this act.

SEC. 9. *State laboratory; appointment of chemists.* For the purpose of this act there is hereby established a state laboratory for the analysis and examination of food and drugs, which shall be under the supervision of the state board of health, which laboratory shall be located at such place as the state board of health may select.

The state board of health shall appoint a director of said laboratory, and an assistant to such director, both of whom shall be skilled pharmaceutical chemists and analysts of foods and drugs. Said director shall perform all duties required by this act and which shall be required by the state board of health. The assistant shall be under the supervision of the director, and shall perform all duties required of him by the director and by the state board of health.

The director shall receive an annual salary of three thousand dollars, and the assistant shall receive an annual salary of fifteen hundred dollars. All such salaries shall be paid in the same manner and at the same time as the salaries of state officers.

The state board of health, out of the appropriation hereinafter provided, and out of the funds derived from the operation of this act, may employ and fix the compensation of other and additional clerical and professional assistants.

SEC. 10. *Right of access for inspection.* The state board of health or its secretary, shall cause to be made by the said director of the state laboratory, examinations and analyses of food and liquor on sale in California, suspected of being adulterated, mislabeled or misbranded at such times and places and to such extent as said board or its secretary may determine, and may appoint such agent or agents, as it may deem necessary, and the sheriffs of the respective counties of the state are hereby appointed and constituted agents for the enforcement of this act and any agent or sheriff shall have free access, at all reasonable hours, for the purpose of examining any place where it is suspected that any article of adulterated, mislabeled or misbranded foods exist, and such agent or sheriff upon tendering the market price of said articles, if a sale be refused, may take, from any person, firm or corporation samples of any articles suspected of being adulterated, mislabeled or misbranded, and shall deliver or forward such samples to the said director of the state laboratory for examination and analysis.

SEC. 11. *Violations of law.* It shall be the duty of the state board of health whenever it has satisfactory evidence of the violation of any of the provisions of this act respecting the adulteration or misbranding of foods to report such facts to the district attorney of the county where the law is violated, after the hearing provided in section sixteen of this act.

SEC. 12. *Penalty.* It shall be a misdemeanor for any person to refuse to sell to any sheriff or other agent of the state board of health, any sample of food or liquor upon tender of the market price therefor, or to conceal any such food from such officer, or to withhold from him information where such food is kept or stored. Any such person so refusing to sell, or concealing such food, or withholding such information from said officer shall, upon conviction, be punished as provided in section nineteen of the Penal Code of the State of California.

SEC. 13. *Duty of director.* Whenever said director shall find from his examination and analysis that adulterated, mislabeled or misbranded food has been on sale in this state, he shall forthwith report to the secretary of the state board of health.

SEC. 14. *Certificate as evidence.* Every certificate signed by the said director of the state laboratory shall be prima facie evidence of the facts therein stated.

SEC. 15. *Annual report of director.* The said director of the state laboratory shall make an annual report to the state board of health, on or before August first of each year, upon adulterated or misbranded foods and liquors, in which report shall be included the list of cases examined by him in which adulterants were found, and the list of articles found mislabeled or misbranded, and the names of the manufacturers, producers, jobbers and sellers. Said report, or any part thereof, may, in the discretion of the state board of health, be included in the report which the state board of health is already authorized by law to make to the governor. The state board of health may, in its discretion publish any part of said report in any issue of its monthly bulletin.

SEC. 16. *Hearings.* When an examination or analysis of the director of the state laboratory shows that any of the provisions of this act have been violated, notice of that fact together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained or who executed the guaranty as provided in this act, and a date shall be fixed by the secretary of the state board of health at which said party or parties may be heard before the state board of health or before any two members thereof and the secretary. The hearing shall be held in the city of Sacramento, and at least fifteen days' notice thereof shall be first served upon the party complained of. These hearings shall be private and confined to questions of fact. Parties interested therein may appear in person or by attorney and may propound interrogatories and submit oral or written evidence to show any fault or error in the findings made by the director of the state laboratory. If the examination or analysis be found correct, or if the party or parties fail to appear at such hearing after notice duly served as provided herein, the secretary of the state board of health shall forthwith transmit a certificate of the facts so found to the district attorney of the county in which said adulterated, mislabeled or misbranded food was found. No publication as in this act provided shall be made until after said hearing is concluded.

SEC. 17. *Collection of samples by sheriff.* It is hereby made the duty of the sheriff of any county of this state, on presentation to him of a verified complaint of the violation of any provisions of this act, at once to obtain by purchase a sample of the adulterated, mislabeled or misbranded food complained of, and divide said article into three parts, and each part shall be sealed by the sheriff with a seal provided for that purpose. If the package be less than four pounds or in volume less than two quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each package noted as above. One sample shall be delivered to the party from whom procured, or to the party guaranteeing such merchandise, one sample shall be sent to the director of the state laboratory and the third sample shall be sent to and held under seal by the state board of health.

SEC. 18. *Compensation of sheriff.* For his services hereunder the said sheriff shall be allowed the same fees for travel allowed by law to sheriffs on service of criminal process, together with such compensation as by the board of supervisors of his county may be deemed reasonable, and all amounts expended by him in procuring and transmitting the said samples, which fees and amount expended shall be audited and allowed by the said supervisors and paid by his said county as other bills of said sheriff.

SEC. 19. *Prosecutions.* It shall be the duty of the district attorney of each county to prosecute all violations of the provisions of this act occurring within his county.

SEC. 20. *Penalty.* Any person, firm, company or corporation violating any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars, nor more than five hundred dollars, or shall be imprisoned in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Food found to be adulterated, mislabeled or misbranded within the meaning of this act may, by order of any court or judge, be seized and destroyed.

SEC. 21. *Disposition of fines.* One-half of all fines collected by any court or judge, for the violations of the provisions of this act shall be paid to the state treasurer and the state treasurer shall deposit such money to the credit of the fund for the maintenance of the state laboratory, to be drawn against by warrants of the state controller upon claims which shall be approved by the state board of health and by the state board of examiners.

SEC. 22. *Exemption from prosecution.* No dealer shall be prosecuted under the provisions of this act, when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the United States from whom he purchased such article to the effect, that the same is not adulterated, mislabeled or misbranded within the meaning of this act, designating it. Said guaranty to afford protection, must contain the name and address of the party or parties making the sales of such article to said dealer, and an itemized statement showing the articles purchased; or a general guaranty may be filed with the Secretary of the United States Department of Agriculture by the manufacturer, wholesaler, jobber or other party in the United States and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty with the words "Guaranteed under the food and drugs act June 30, 1906." In case the wholesaler, jobber, manufacturer or other party making such guaranty to said dealer resides without this state, and it appears from the certificate of the director of the state laboratory that such article or articles were adulterated, mislabeled or misbranded, within the meaning of this act, or the national pure food act, approved June 30th, 1906, the district attorney must forthwith notify the attorney-general of the United States of such violation.

SEC. 23. *Appropriations.* The sum of twenty thousand dollars (\$20,000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purchase of equipment, apparatus, chemicals and supplies of said laboratory and of the office expenses, in connection with the same and for the compensation of additional assistants and other necessary help. The state controller is hereby authorized to draw his warrants for the sums herein appropriated in favor of the secretary of the state board of health and the state treasurer is hereby directed to pay the same.

SEC. 24. *Violation after July 1.* No article of food as herein defined shall be manufactured or produced in violation of this act from and after the first day of July, nineteen hundred and seven.

SEC. 25. *Repeal.* All acts and parts of acts in conflict or inconsistent with this act are hereby repealed.

SEC. 26. *Date of taking effect.* This act shall be in force and effect from and after the first day of January, nineteen hundred and eight.

Approved March 11, 1907. Statutes and amendments to the codes 1907, ch. 181, pp. 208-214.

CONFECTIONERY

See General Food Law, page 15.

DAIRY PRODUCTS.

SEC. 1. *Terms "person" and "product of milk" defined; labeling.* It shall be unlawful for any person to produce, manufacture or prepare for sale, or to sell or offer for sale, or have on hand for sale, any milk, or product of milk, that is adulterated within the meaning of this act. The word "person" as used in this act shall be construed to import both the singular and plural, as the case demands, and shall include individuals, corporations, companies, societies and associations. When construing and enforcing the provisions of this act, the act, omission or failure of any employé, officer, agent or other person, acting for or employed by any individual, corporation, company, society or association, within the scope of his employment or office, shall in every case also be deemed to be the act, omission or failure of such individual, corporation, company, society or association, as well as that of the person. The provisions of this act shall be construed to apply to hotel keepers, restaurant keepers and boarding house keepers or any person who shall serve meals and accept money therefor. The words "product of milk" as used in this act, shall not apply to any product into which milk, or a product of milk, may enter as an ingredient or component of a food product that does not consist of milk, or milk products alone, such as pastry, confectionery and ice cream, and excepting in case of condensed milk or evaporated milk or cream in which case the provisions of this act shall apply, *provided*, that this section shall not be construed to prevent the use of common salt (chloride of sodium) in dairy products. Any label, printed matter, or advertising or descriptive matter appearing upon, or in connection with any package, parcel or quantity of milk or milk products when being sold, offered for sale, or having on hand for sale, and having reference to the article being sold, offered for sale, or on hand for sale, shall conform with the provisions of this act, and if it fails to conform with the provisions of this act, such article shall be deemed adulterated under this act. It shall be unlawful for any person under this act, when selling or offering for sale, or having on hand for sale, milk or any product of milk to use the words "milk," "condensed milk," "sweetened condensed milk," "condensed skimmed milk," "evaporated cream," "cream" or "butter," either verbally or printed or written on any label or printed matter used in connection with the sale, or offering for sale, or having on hand for sale, of milk or any product of milk, or upon any bill of fare used in any hotel, restaurant or other places where meals are served when the article shall not conform with the provisions of section two of this act.

SEC. 2. *Standards for milk products.* Milk and the products of milk enumerated in this section shall be deemed adulterated within the meaning of this act if it or they shall not conform with the following definitions and standards:

1. Milk is the fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen (15) days before and five (5) days after calving, and contains not less than three (3.0) per cent of milk fat, and not less than eight and five-tenths (8.5) per cent of solids—not fat.

2. Skim milk is milk from which a part or all of the cream has been removed and contains not less than nine and twenty-five hundredths (9.25) per cent of milk solids.

3. Condensed milk or evaporated milk, is milk from which a considerable portion of water has been evaporated and contains not less than twenty-eight (28) per cent of milk solids of which not less than twenty-seven and five tenths (27.5) per cent is milk fat.

4. Sweetened condensed milk is milk from which a considerable portion of water has been evaporated and to which sugar (sucrose) has been added, and

contains not less than twenty-eight (28) per cent of milk solids, of which not less than twenty-seven and five tenths (27.5) per cent is milk fat.

5. Condensed skim milk is skim milk from which a considerable portion of water has been evaporated.

6. Cream is that portion of milk, rich in milk fat, which rises to the surface of milk on standing, or is separated from it by centrifugal force, is fresh and clean and contains not less than eighteen (18) per cent of milk fat.

7. Evaporated cream, clotted cream, is cream from which a considerable portion of water has been evaporated.

8. Milk fat, butter fat, is the fat of milk and has a Reichert-Meissel number not less than .905 (40 degrees C.).

9. Butter is the clean, non-rancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of the other milk constituents, with or without salt, and contains not less than 80 per cent of milk fat.

SEC. 3. *Enforcement; proviso.* It shall be the duty of the state dairy bureau, now existing under the laws of this state, to enforce the provisions of this act; *provided*, that nothing in this act shall be construed to prevent any city or county board of health or other city or county official from enforcing the provisions of this act.

SEC. 4. *Penalty; disposition of fines.* Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five (\$25.00) dollars, nor more than two hundred (\$200.00) dollars, or by imprisonment in the county jail for not less than ten nor more than sixty days. *Provided* that no conviction shall be had where a conviction is sought upon any alleged sample of milk, or product of milk, unless such sample has been taken in duplicate, sealed and marked for identification, and one of such samples left with the person accused. All fines collected under this act shall be paid to the state dairy bureau when the complaint is made through the state dairy bureau and the state dairy bureau shall pay the same to the state treasurer and the amount paid by the state dairy bureau to the state treasurer is hereby appropriated to the use of the state dairy bureau in enforcing this act for the fiscal year in which the amount was paid to the state treasurer.

SEC. 5. *Interference.* It shall be unlawful for any person to prevent or interfere with the duly authorized inspectors or agents of the state dairy bureau, or any city or county board of health, from entering any place or premises where milk or products of milk are produced or manufactured or prepared or to prevent or interfere with such inspectors or agents in the event they deem it advisable to secure samples of milk or milk products from any person producing or selling milk or products of milk for the purposing^a of analyzing the same to ascertain whether this act is being violated.

SEC. 6. *Prosecutions.* It shall be the duty of the district attorney, upon application of the state dairy bureau or any city or county board of health to attend to the prosecution, in the name of the people, of any complaint entered for violation of any of the provisions of this act within his district.

SEC. 7. *Repeal.* All acts, or parts of acts, inconsistent with this act are hereby repealed.

SEC. 8. *Effect.* This act shall take effect and be in force sixty days after its passage.

Approved March 15, 1907. Statutes and Amendments to the Codes, ch. 216, pp. 265-268.

^a So in Statutes.

SEC. 1. *Preservatives, coloring matter; "person" defined.* It shall be unlawful for any person to produce, manufacture or prepare for sale, or to sell, or to offer for sale, or have on hand for sale, any milk or product of milk to which has been added, or that may contain, any compound of boron, salicylic acid, formaldehyde or other chemical or substance for the purpose of preventing or delaying fermentation. It shall be unlawful for any person to produce, manufacture or prepare for sale, or to sell, or to offer for sale, or have on hand for sale, any milk, cream or condensed milk to which any coloring matter has been added by any person or to which any gelatin or other substance has been added by any person to increase the consistency of such milk, cream or condensed milk, so as to make such milk, cream or condensed milk appear richer or to^a better quality; *provided*, that this section shall not be construed to prohibit the use of harmless coloring matter and common salt (chlorid of sodium) in butter and cheese. The word "person" as used in this act shall be construed to import both the singular and plural, as the case demands, and shall include individuals, corporations, companies, societies and associations. When construing and enforcing the provisions of this act, the act, omission or failure of any employé, officer, agent or other person, acting for or employed by any individual, corporation, company, society or association, within the scope of his employment or office, shall in every case also be deemed to be the act, omission or failure of such individual, corporation, company, society or association, as well as that of the person. The provisions of this act shall be construed to apply to hotel keepers, restaurant keepers and boarding-house keepers, or to any other person who shall serve meals and accept money therefor.

SEC. 2. *Enforcement.* It shall be the duty of the state dairy bureau, now existing under the laws of this state, to enforce the provisions of this act; *provided*, that nothing in this act shall be construed to prevent any city or county board of health or other city or county official from enforcing the provisions of this act.

SEC. 3. *Penalty; disposition of fines.* Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) or by imprisonment in the county jail for not less than ten days nor more than sixty days; *provided*, that no conviction shall be had when a conviction is sought upon any alleged sample of milk, or product of milk, unless such sample has been taken in duplicate, sealed, and marked for identification, and one of such samples left with the person accused. All fines collected under this act shall be paid to the state dairy bureau when the complaint is made through the state dairy bureau and the state dairy bureau shall pay the same to the state treasurer and the amount paid by the state dairy bureau to the state treasurer is hereby appropriated to the use of the state dairy bureau for the fiscal year in which the amount is paid to the state treasurer.

SEC. 4. *Hindrance of inspectors.* It shall be unlawful for any person to prevent or interfere with the duly authorized inspectors or agents of the state dairy bureau, or any city or county board of health, from entering any place or premises where milk or products of milk are produced or manufactured, or prepared, or to prevent or interfere with such inspectors or agents, in the event they deem it advisable to secure samples of milk or milk products from any person producing or selling milk or products of milk for the purpose of analyzing the same to ascertain whether this act is being violated.

^a So in Statutes.

SEC. 5. *Prosecutions.* It shall be the duty of the district attorney, upon application by the state dairy bureau or by any city or county board of health to attend to the prosecution, in the name of the people, of any complaint entered for the violation of any of the provisions of this act within his district.

SEC. 6. *Repeal.* All acts, or parts of acts, inconsistent with this act are hereby repealed.

SEC. 7. *Effect.* This act shall take effect and be in force sixty days after its passage.

Approved March 23, 1907. Statutes and Amendments to the Codes 1907, ch. 520, pp. 971-972.

WINE.

SEC. 1. *Pure California wine; labels.* A uniform wine nomenclature is hereby adopted for pure wines manufactured in this state from the juice of the grape. Such wine nomenclature shall consist in the use of the prefix "Cal" or "Cala" to the name of any kind, type, name or abbreviation of name of wine, as for example: "Calclaret," "Calburgundy," "Calariesling," etc., in stamping or labeling such wines.

SEC. 2. *Misbranding.* And it shall be unlawful for any person, firm or corporation, in this state, to use such prefix in connection with wine nomenclature upon any imprint, label, trademark, tag, stamp, stencil, paper, or brand, or other inscription or device, placed or impressed upon any vessel, bottles, cask, barrel, case, or package, containing any liquid substance other than pure wine of California manufacture, made from the juice of the grape; or to use in marking, branding, stamping, stenciling, tagging, or labeling any vessel, bottle, cask, barrel, case, or package containing any liquid other than pure wine of California manufacture, made from the juice of the grape, any imitation or counterfeit of such nomenclature, or any paper or brand in the similitude or resemblance thereof, or any paper or brand of such form and appearance as to be calculated to mislead or deceive any unwary person or cause him to suppose the contents thereof to be pure wine of California manufacture, origin or production, made from the juice of the grape.

SEC. 3. *Labeling.* And it shall be unlawful for any person, firm, or corporation, in this state, to sell or offer for sale, or have in his or its possession, for sale, any liquid substance marked, branded or labeled by the use of such wine nomenclature aforesaid, or by the use of any mark, or brand, or stencil in semblance thereof, unless the same be pure wine of California manufacture, made from the juice of the grape.

SEC. 4. *Pure wine.* For the purposes of this act, pure wine shall be such as is defined to be pure wine under the provisions of the laws of the United States relating to the fortification of pure sweet wines, and of the food and drugs act, adopted by the congress of the United States, and approved June 30th, 1906, and under laws of the State of California now or hereafter adopted.

SEC. 5. *Penalty.* Whoever violates any of the provisions or sections of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars (\$100.), nor more than one thousand dollars (\$1000.), or by imprisonment in the county jail for not less than thirty days, nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 6. *Effect.* This act shall take effect sixty days after its passage.

Approved March 6, 1907. Statutes and Amendments to the Codes 1907, ch. 104, pp. 127-128.

COLORADO.^a

GENERAL FOOD LAWS.

SEC. 1. *Misbranding; penalty; exemption.* It shall be unlawful for any person to manufacture, or sell, or expose for sale, or deliver or give away, or ship, or offer for shipment, within this State, any article of food, or drug, which is adulterated, or misbranded, within the meaning of this act, except as such article may be in the original package and the subject of interstate commerce under the federal jurisdiction; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense, shall, upon conviction thereof, be punished by a fine of not exceeding five hundred dollars, or by imprisonment of not exceeding one year, or by both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be punished by a fine of not less than one thousand dollars, or by imprisonment for one year, or by both such fine and imprisonment, in the discretion of the court. But no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared, or packed, according to the specifications or directions, of the foreign purchaser, when no substance is used in the preparation, or packing, thereof in conflict with the laws of such foreign country to which said article is intended to be shipped; but if said article shall be in fact sold, or exposed for sale, or delivered, or given away, or shipped or offered for shipment, for use or consumption within this State, then this provision shall not exempt said article from the operation of any of the provisions of this act.

SEC. 2. *State Board of Health to make rules and regulations.* The State Board of Health shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of all foods and drugs manufactured, or sold, or exposed for sale, or delivered, or given away, or shipped, or offered for shipment, within this State, or which may be submitted for examination by any health officer of any town, city, or county, in this State. But, such rules and regulations shall not be more stringent than, nor conflict with, the rules and regulations adopted, or which may hereafter be adopted, for the enforcement of the food and drugs act of the United States, approved June 30, 1906, regulating the misbranding, or adulteration, of drug or food products for interstate commerce.

SEC. 3. *Examination of samples.* The examinations of specimens of foods and drugs shall be made by, or under the direction and supervision of, the State Board of Health for the purpose of determining from such examinations whether such articles are adulterated, or misbranded, within the meaning of this act; and if it shall appear from any such examination that any of such specimens is adulterated, or misbranded, within the meaning of this act, the State Board of Health shall cause notice thereof to be given to the person from

^a Rules, regulations, standards, and decisions, same as Federal, as far as applicable under the State law.

whom such sample was obtained. Any person so notified shall be given an opportunity to be heard, under such rules and regulations as shall be prescribed as aforesaid, and if it shall appear that any of the provisions of this act have been violated by such person, then the State Board of Health shall at once certify the facts to the proper district attorney, with a copy of the results of the analysis, or other examination, of such article, duly authenticated by the analyst, or officer, making such examination, under the oath of such analyst or officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

SEC. 4. *Prosecutions.* It shall be the duty of each district attorney to whom the State Board of Health shall report any violation of this act, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of this State, without delay, for the enforcement of the penalties as in such case herein provided.

SEC. 6. *Adulteration defined.* For the purpose of this act an article shall be deemed to be adulterated:

In case of confectionery:

If it contains terra alba, barytes, talc, chrome yellow, or any mineral substance used for the purpose of adulteration, or poisonous color, or flavor, or other ingredient deleterious to health, or any vinous, malt or spirituous liquor, or compound, or narcotic drug.

In case of food:

If any substance has been mixed, or packed, with it so as to reduce or lower, or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly, or in part, abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain formaldehyde or other harmful preservative or any added poisonous, or other added deleterious ingredient which may render such article injurious to health. But when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative are printed on the covering, or the package, the provisions of this act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consist in whole or in part of a filthy, decomposed, or putrid animal, or vegetable substance, or any portion of an animal unfit for food, whether manufactured, or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

SEC. 7. *"Misbranded" defined.* The term "misbranded," as used herein, shall apply to all drugs or articles of food, or articles which enter into the composition of food, the package, or label, of which shall bear any statement, word, design or device regarding such article, or the ingredients or substances, contained therein, which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the state, territory, city, town, place, or country in which it is manufactured, produced, or found.

For the purposes of this act an article shall also be deemed to be misbranded:

In case of food:

First. If it be an imitation of, or offered for sale under, the distinctive name of another article.

Second. If it be labeled, or branded, so as to deceive, or mislead, the purchaser, or purport to be a foreign product when not so, or if the contents of the package, as originally put up, or of the box, bottle, can, or other container, sold, or exposed for sale, or delivered, or given away, or shipped or offered for shipment, shall have been removed in whole or in part and other contents shall have been placed in such package, or in such box, bottle, can, or other container, or it shall fail to bear a statement on its label of the quantity, or the proportion of any morphine, opium, cocaine, heroin,^a alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, or any harmful coal tar derivative, or preparation or any such substances contained therein.

Third. If in package form and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it, or the box, bottle, can, or other container, or its label, shall bear any statement, word, design, or device regarding the ingredients or the substances contained therein, which statement, word, design, or device shall be false or misleading in any particular. But an article of food which does not contain any added poisonous ingredients, or ingredients deleterious to health, shall not be deemed to be adulterated, or misbranded, in the following cases:

First. In the case of mixtures, or compounds, which may be now, or from time to time hereafter, known as articles of food under their own distinctive names, and not an imitation of, or offered for sale under, the distinctive name of another article, if the name be accompanied on the same label, or brand, with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded, or tagged, so as plainly to indicate that they are compounds, imitations or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package, box, bottle, can, or other container, in which it is offered for sale. But the term "blend," as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring, or flavoring ingredients used for the purpose of coloring and flavoring only; and nothing in this act shall be construed as requiring or compelling proprietors, or manufacturers, or [of] proprietary foods, which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

SEC. 8. *Protection by guaranty.* No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other person residing in this State, from whom he purchased any article in question, to the effect that the same is not adulterated or misbranded. Such guaranty, to afford protection, shall contain the name and address of the person making the sale of such article to such dealer, and in such case said person shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act.

SEC. 9. *Confiscation for destruction or sale of adulterated or misbranded articles.* Any article of food, drug, or liquor, that is adulterated, or misbranded, within the meaning of this act, that is manufactured, or sold, or exposed for sale, or delivered, or given away, or shipped, or offered for shipment, within this State, together with its box, bottle, can, or other container, except as such article may be in the original package and the subject of interstate commerce,

^a So in Statutes.

under the federal jurisdiction, is hereby declared to be a nuisance and shall be abated upon a complaint, hearing and judgment, or order, of court in a proceeding in the District Court, of the district where such article of food, drug, or liquor, is found, by seizure and confiscation for destruction or sale. If such article is condemned as being adulterated, or misbranded, or as being of a poisonous, or deleterious character, within the meaning of this act, it shall be disposed of under the proper order of court by destruction, or by sale in the manner provided for the sale of chattels under execution, in the discretion of the court; and the proceeds thereof if it be sold, less the legal cost and charges, shall be paid to the State Treasurer; but such article of food, or drug, shall not be sold in any jurisdiction contrary to the law thereof.

SEC. 10. *"Person" defined.* The word "person" as used in this act, shall be construed to import both the plural and singular, as the case demands, and shall include corporations, companies, partnerships, societies and associations. When construing and enforcing the provisions of this act, the act, omission, or failure, or any officer, agent, or other person, acting for or employed by, any corporation, company, partnership, society, or association, within the scope of his employment, or office, shall in every case also be deemed to be the act, omission, or failure of such corporation, company, partnership, society or association, as well as that of the person.

SEC. 11. *Effect.* In the opinion of the General Assembly an emergency requires this act to take effect at a time later than ninety days after its passage; therefore, this act shall take effect and be in force on and after the 1st day of January, A. D. 1908.

Repeal. All acts and parts of acts inconsistent or in conflict herewith are hereby repealed.

Approved March 7, 1907. Session Laws of 1907, ch. 1, pp. 23-29.

MEAT.

SEC. 1. *Sale of tainted or diseased meat prohibited.* It shall be unlawful for any person, association, firm or corporation to sell, expose for sale, give away for use as human food, or to can or pack for the purpose of transportation to and sale in any market or place in this State, any unwholesome, unhealthy, stale, emaciated, blown, tainted, putrid, or measly meat, or the flesh of any diseased animal not slaughtered for the purpose of food, knowing, or having good reason to believe that such meat is as above described, or that such flesh is the flesh of a diseased animal or of an animal not slaughtered for such purpose, and no person, association, firm or corporation, owning or operating any slaughter house or packing establishment in this State, shall receive for the purpose of killing, or kill, for human food, any diseased animal, or offer for sale the flesh of any animal found to be diseased after slaughter, or render the carcass of any animal that shall die by disease or by consequence of exposure or that shall not have been slaughtered for food, knowing or having good reason to believe that such animal was diseased, or had died from disease or in consequence of exposure, or had not been slaughtered for food. Provided, however, that where such animals have been inspected by a duly qualified inspector of the United States Department of Agriculture, such animals may be handled according to the rules and regulations of said department under the supervision of said duly qualified inspector, but not otherwise. Whenever any inspector of the United States Department of Agriculture shall suspect any animal intended for slaughter for food as suspicious, and shall tag the same as a suspected animal, such animal shall be slaughtered only under

the supervision and inspection of the State Veterinary Surgeon, or some one appointed by him for this duty, according to such regulations as may be made by the said State Veterinary Surgeon, except where such animals are slaughtered under the inspection of the United States Department of Agriculture.

SEC. 2. *Preservatives and artificial coloring matter in sausage prohibited; proviso.* No person by himself or his agent shall offer or expose for sale, take orders for, or sell, or have in his possession with intent to sell for use or consumption, within this State, any sausage or chopped meat compound containing any artificial coloring, chemical preservative or antiseptic, except such as are or may be allowed by the rules and regulations adopted by the United States Department of Agriculture.

SEC. 3. *Inspection of live animals and labeling of meat products.* The State Veterinary Surgeon is authorized and instructed to adopt the rules and regulations of the United States Department of Agriculture as they relate to the inspection of live animals and the manufacture, labeling and marking of meat food products from slaughtering, canning and packing establishments, in so far as they can be applied to the meat food and meat food products manufactured and offered for sale in this State, and it shall be unlawful for any person to sell or offer for sale any meat or meat food products labeled or marked in a manner calculated to dedecieve [deceive] the buyer as to what such products are or contain, and any person offering for sale or selling any meat food or meat food product, so prepared and offered for sale as to appear different from what it really is or which contains ingredients not permitted by the regulations of the United States Department of Agriculture, or which is misrepresented in any way with intention to deceive the buyer, shall be guilty of a misdemeanor under this act.

SEC. 4. *Inspection of canning and similar establishments.* It is hereby made the duty of the State Veterinary Surgeon to maintain, or cause to be maintained, an inspection of all slaughtering, meat canning, salting, packing, rendering or similar establishments in this State, in which cattle, sheep, swine, goats, fish or poultry are slaughtered and the meat or meat products thereof prepared and offered for sale as food, and the said State Veterinary Surgeon shall make, or cause to be made such inspection of said slaughtering plants and similar establishments where cattle, sheep, swine, goats, fish or poultry are slaughtered and prepared for food, as may be necessary to inform himself concerning the sanitary conditions of the same and he shall prescribe such rules and regulations of sanitation under which such establishments shall be maintained. Whenever the State Veterinary Surgeon shall find the conditions of any such establishment of a nature that the meat or food products prepared therein are rendered unclean, unsound, unhealthful, unwholesome or otherwise unfit for human food, he shall immediately condemn and close such establishment and shall prohibit its further use for such purpose until the same shall have been put in a sanitary condition satisfactory to the said State Veterinary Surgeon.

SEC. 5. *Appointment of inspector; salary.* The State Veterinary Surgeon is hereby authorized to appoint, with the approval of the Governor, a competent man as meat and slaughter plant inspector, who shall act under the direction of the State Veterinary Surgeon and shall devote all of his time to the inspection of all slaughtering and packing establishments, stores and shops, as provided herein, except such as are operating under United States Government inspection. Said Meat and Slaughter Plant Inspector shall receive a salary of \$1,200 per annum, to be paid in monthly installments, and such traveling expenses as

may be necessary in the actual and necessary performance of his duties, all bills to be approved by the State Veterinary Surgeon.

SEC. 6. *Additional salary for State Veterinary Surgeon.* In addition to the salary already allowed the State Veterinary Surgeon by law, he shall be allowed an additional salary of \$500 per annum, for his services under the provisions of this act, to be paid in monthly installments upon warrants drawn by the State Auditor.

SEC. 7. *Violation of act.* Whenever the State Veterinary Surgeon or the State Meat and Slaughtering Plant Inspector, shall find any diseased, putrid, unwholesome or unhealthy meat or product of any animal known to be diseased, unhealthy, unwholesome, or not slaughtered for food, in any slaughtering, packing, canning or rendering establishment, or in any store, shop, cooler, vendor's wagon or other place, where same may be offered for sale for food, or if any such diseased or unwholesome or unfit meat or meat product shall be found in the possession of any one under conditions that make it reasonably certain that it is the intention of such person to offer the same for food, it shall be prima facie evidence of a violation of this act, and any such person or the owner or owners or employes of any such place, shall be deemed guilty of a misdemeanor and subject to the penalty provided herein.

SEC. 8. *Confiscation and destruction of tainted meat.* Whenever the State Veterinary Surgeon or the State Meat and Slaughtering Plant Inspector shall find any such putrid, tainted, diseased, unwholesome, unhealthy meat or meat product, he shall declare the same unfit for human food and immediately take possession of the same for the State and destroy the same by the cheapest and most practical manner.

SEC. 9. *Right of access for inspection.* The State Veterinary Surgeon or the State Meat and Slaughtering Plant Inspector shall have the right to enter and inspect any and all slaughtering, meat canning, salting, packing, rendering or similar establishments in this State, in which cattle, sheep, swine, goats, fish or poultry are slaughtered or prepared for human food, and they shall have the right to enter any store, shop or other place where such meat or meat products are offered for sale for human food and to inspect the same, and to inspect any wagon, cart or other vehicle used by a vendor of meat or meat products, and any opposition or interference with such inspection shall be a misdemeanor under the provisions of this Act.

SEC. 10. *Penalty.* Any violation of any provision of this Act shall be deemed a misdemeanor and upon conviction, the violator shall be fined not less than \$50 nor more than \$1,000, or may be imprisoned in the County jail not less than 30 days nor more than six months, or by both such fine and imprisonment.

SEC. 11. *Appropriation for enforcing food law.* There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of \$3,000 per annum, to be paid upon voucher drawn by the State Auditor, for the purpose of carrying out the provisions of this Act and paying the salaries and expenses provided herein.

SEC. 12. *Inspection by Department of Agriculture.* Nothing in this Act shall be construed to interfere or apply in any way to those plants in this State where the United States Department of Agriculture maintains regular inspection.

SEC. 13. *Repeal.* All acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 14. *Effect.* Whereas, in the opinion of the General Assembly an emergency exists; therefore, this Act shall be in force and take effect from and after its passage.

PRESERVATIVES.

See General Food Law, page 24.

WATER.

SEC. 1. *Contamination of water supply forbidden.* It shall be unlawful for any person to deposit into the channel of the South Platte River or Bear Creek, or any of their tributaries above the mouth of Cleer [Clear] Creek, or between or upon the banks of said streams, any unwholesome matter or substance whatever tending to the defilement or pollution of the water of said streams, or to allow the drainage from any sewer, drain, or cesspool to drain into or percolate into said streams, or their tributaries, or any of them, or to permit any dead animal or decaying vegetable matter to be placed or left within a distance of three hundred (300) feet of the banks of any said streams, or their tributaries, or to do any other act or thing whereby the water of said streams might become polluted or unfit [unfit] or unwholesome for human consumption [consumption]: Provided, That the disturbances of water by placer mining or tailings from ore reduction mills flowing into any of said streams or tributaries shall not be construed as defilement or pollution of the water thereof.

SEC. 2. *Protection of water supply.* The City and County of Denver is hereby given jurisdiction over said streams to protect their purity under Section One of this act, and is hereby authorized to provide by ordinance for the patrol of said streams and for the punishment of offenders against the provisions of this act.

Approved April 9, 1907. Session Laws of 1907, ch. 167, pp. 360-361.

CONNECTICUT.^a

MILK.

SEC. 1. *Standard.* Any milk which is sold or exchanged, or offered for sale or exchange, shall be deemed to be so sold, exchanged, or offered as of standard quality, unless otherwise expressly stated at the time of such sale, exchange, or offer. Milk of standard quality shall contain not more than eighty-eight and one-quarter per centum of watery fluid, not less than eleven and three-quarters per centum of milk solids, not less than eight and one-half per centum of solids not fat, and not less than three and one-quarter per centum of milk fats; and the certificate of the director of the Connecticut agricultural experiment station shall be *prima facie* proof of the composition of any milk.

SEC. 2. *Sale of diluted or adulterated milk prohibited.* No person shall sell or exchange, or offer for sale or exchange, or have in his possession with intent to sell or exchange, as of standard quality, any milk which is not of standard quality, or any milk diluted with water or adulterated by the addition of any foreign substance, or which has been wholly or in part skimmed, or shall knowingly bring or supply milk that is tainted or partly sour to any customer buying the same for sweet milk.

SEC. 3. *Labeling skimmed milk.* No person shall sell, or offer or expose for sale, milk from which the cream or any part thereof has been removed, without distinctly and durably affixing a label, tag, or mark of metal in a conspicuous place upon the outside, and not more than six inches from the top, of every can, vessel, or package containing such milk, and such metal label, tag, or mark shall have the words "Skimmed Milk" stamped, printed, or indented thereon in letters not less than one inch in height; and such milk shall only be sold at retail out of a can, vessel, or package so marked.

SEC. 4. *Penalty.* Every person who shall violate any provision of section two or three of this act shall be fined not more than one hundred dollars.

SEC. 5. *Milk measure.* All sales of milk or cream shall be made by wine measure.

SEC. 6. *Using milk vessels for any other purpose prohibited.* No person shall, by himself, or by his servant or agent, or as the servant or agent of any other person, firm, or corporation having custody of any can, jar, bottle, measure, or other vessel used as a container for milk intended for sale, place, cause, or permit to be placed therein any offal, swill, kerosene, vegetable matter, or any article other than milk, skimmed milk, buttermilk, cream, or water or other agent used for cleansing said can, jar, bottle, measure, or other vessel.

SEC. 7. *Returning milk vessels containing unclean material prohibited.* No person shall, by himself, or by his servant or agent, or as the servant of any other person, firm, or corporation, send, ship, return, or deliver, or cause or permit to be sent, shipped, returned, or delivered to any producer of milk, any can, jar, bottle, measure, or other vessel used as a container for milk, containing any offal, swill, kerosene, vegetable matter, rotten or putrid milk, or any other offensive material.

^a See Appendix for general laws, passed during July, 1907.

SEC. 8. *Penalty.* Every person who shall violate any provision of sections five, six, or seven of this act shall be fined ten dollars for each offense.

SEC. 9. *Reporting violation of law to prosecuting officer.* The dairy commissioner shall have power to enforce the provisions of the preceding sections of this act, and, when the necessary evidence is submitted by the Connecticut agricultural experiment station that any of said provisions has been violated, he shall make complaint to the proper prosecuting officer.

2592. *Milk inspector; sampling.* The warden and burgesses of a borough or the mayor with the approval of the common council of a city may appoint a competent person as milk inspector who may personally, or by some competent person appointed by him, inspect all milk or cream sold or offered for sale in such borough or city; may inspect all animals producing such milk, the buildings and places where such animals are kept, the dairy and other places where such milk or cream is kept, handled, sold, or produced, whether the same be within the limits of such borough or city or not; and said burgesses or common council may prohibit the sale of such milk or cream within the limits of such borough or city, except by such persons as shall register their names, residences, and numbers in a book kept for the purpose at the office of the clerk of such borough or city. The clerk shall receive for each name so registered fifteen cents from the treasury of such borough or city. Such inspector or assistant shall have the right to take samples of milk or cream from any producer or vendor upon tender of the market price thereof, but he shall, if such producer or vendor so requests, seal and mark a duplicate sample of such milk or cream and leave the same with such producer or vendor. The warden of any borough or the mayor of any city may for cause remove the inspector.—*As amended June 21, 1907; Public Acts of 1907, ch. 143, pp. 692–693. See Bul. 69, Rev., Pt. I, p. 93.*

SEC. 11. *Notice.* A printed notice of this section and of sections one to seven, both inclusive, of this act shall be conspicuously posted in all public places, creameries, or factories where milk is received or sold.

SEC. 12. *Repeal.* Sections 2585, 2586, 2587, 2588, 2589, 2590, and 4883 of the general statutes are hereby repealed.

Approved June 21, 1907. Public Acts of 1907, ch. 143, pp. 691–693.

SEC. 1. *Right of access for inspection of farms and dairies; penalty.* The dairy commissioner shall make an investigation and examination of the premises of any farm or dairy, or of any place where cattle, dairy stock, or other domestic animals are kept within this state, where any unsanitary condition affecting the products of such farm or dairy exists or is reported or suspected to exist. When any such condition shall be found by said dairy commissioner he shall notify the owner or occupant of the premises upon which such condition exists to remove or abate the same, at the expense of such owner or occupant, within such time as the dairy commissioner shall direct; and if such owner or occupant shall neglect to remove or abate such condition within said time so prescribed, he shall be fined not more than twenty-five dollars and shall pay such expense and costs as shall be incurred in such removal or abatement. The dairy commissioner is authorized and empowered to employ such assistants as shall be necessary to enforce the provisions of this act, and said commissioner and assistants shall have free access, at all reasonable hours, to all such premises and places for the purpose of making the examination and investigation provided by this act. Every person refusing such access shall be fined not more than seven dollars or imprisoned not more than thirty days or both.

Approved June 14, 1907. Public Acts of 1907, ch. 137, pp. 686–687.

RULES AND REGULATIONS.

As provided in section 5 of the pure-food law, approved July 31, 1907, the dairy commissioner and the director of the Connecticut Agricultural Experiment Station, acting jointly, have made the following rules and regulations for carrying out the provisions of said law.

These rules, where possible, conform to and are the same as the rules and regulations adopted for the enforcement of the act of Congress approved June 30, 1906, and known as the "Food and Drugs Act."

For convenience of comparison, each regulation is followed by a reference to the food-inspection regulations (F. I. R.) or food-inspection decisions (F. I. D.) of the United States Secretary of Agriculture.^a

Certain regulations are explanatory of the statute or give the interpretation of the statute which the undersigned will follow in its enforcement. Such regulations are printed in smaller type than the others.

J. B. NOBLE,

Dairy Commissioner.

E. H. JENKINS,

Director of the Connecticut Agricultural Experiment Station.

HARTFORD, October 31, 1907.

State Regulation No.

1. Original unbroken package. (Reg. 2.)
2. Form of guaranty. (Reg. 9.)
3. Distinctive name. (Reg. 20.)
4. Compounds, imitations, or blends without distinctive names. (Reg. 21).
5. Labeling of compounds, imitations, or blends (Flavoring extracts, jellies, etc.). (F. I. D. 47.)
6. Label, misbranding. (Reg. 17.)
7. Mixtures or compounds with distinctive names. (Reg. 27.)
8. Incompleteness of branding. (Reg. 24.)
9. Arrangement of label. (F. I. D. 52.)
10. Articles without a label. (Reg. 22.)
11. Substitution. (Reg. 25.)
12. Waste materials. (Reg. 26.)
13. Character of name. (Reg. 19.)
14. Name and address of manufacturer. (Reg. 18.)
15. Statement of weight and measure. (Reg. 29.)
16. Coloring, powdering, coating, and staining. (Reg. 12.)
17. Concerning permissible coloring matters. (F. I. D. 76.)
18. The use of sugar in canned goods. (F. I. D. 66.)
19. Mixed flours. (F. I. D. 42.)
20. Labeling of sardines. (F. I. D. 64.)
21. Labeling of mixtures of cane and maple sirup. (F. I. D. 75.)
22. Confectionery. (Reg. 10 and F. I. D. 61.)

^a Inasmuch as the rules and regulations are practically a digest of the Rules and Regulations, Circular 21, of the Secretary's Office, U. S. Dept. of Agr., and Food Inspection Decisions 42, 47, 52, 53, 54, 56, 59, 61, 64, 66, 75, and 76, they are not given in full, but the reference to the Federal regulation or food-inspection decision is given in parentheses in connection with the enumeration of the State regulation.

State Regulation No.

23. Use of the word "Compound" in names of drug products. (F. I. D. 63.)
 24. Declaration of the quantity or proportion of alcohol. (F. I. D. 54.)
 25. Substances named in drugs and foods. (Reg. 28.)
 26. Names to be employed in declaring the amount of the ingredients as required by law. (F. I. D. 56.)
 27. Method of stating quantity or proportion. (Reg. 30.)
 28. Formula on the label of drugs. (F. I. D. 53.)
 29. National Formulary Appendix. (F. I. D. 59.)
 30. Collection of samples. (Reg. 3.)
 31. Methods of analysis. (Reg. 4.)
 32. Publication of court judgments. (Reg. 6.)
 33. Inspection of food products. (By dairy commissioner.) (Reg. 16.) ,
- 33162—Bull. 112, pt 1—08—3

DELAWARE.

GENERAL FOOD LAWS.

SEC. 1. *Adulteration of food and drugs.* It shall be unlawful for any person to manufacture, dispense, sell or offer for sale, within the limits of this State, any article of food or drug which is adulterated within the meaning of this Act.

SEC. 2. *"Food" and "drug" defined.* The term "drug", as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopœia, National Formulary or American Homeopathic Pharmacopœia for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals. The term "food", as used herein, shall include all articles used for food, drink, confectionary,^a or condiment, by man or other animals whether simple, mixed or compound. When a substance answers both descriptions, a "food" and a "drug" as above defined, the purpose for which it was manufactured, dispensed, sold, or offered for sale as the case may be, shall determine its character.

SEC. 3. *Adulteration defined.* For the purpose of this Act an article shall be deemed to be adulterated: * * *

In case of food.

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredients which may render such article injurious to health.

Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

SEC. 4. *Foods labeled in compliance with Federal Laws.* Provided that the provisions of this Act shall not apply to articles of food, or to mixtures or compounds of foods, offered for sale in this State, when prepared, labeled, branded, or inspected, in compliance with Federal Laws and department regulations established thereunder.

SEC. 5. *Exemption.* An offense shall not be deemed to be committed under this Act in the following cases: (1) where the order calls for an article of food or drug inferior to such standard and such difference is made known at the time; (2) where the article of food or drug is mixed with any matter or ingre-

^a So in Statutes.

dient not injurious to health and not intended fraudulently to increase its bulk, weight or measure or conceal its inferior quality, if at the time such article is delivered to the purchaser, it is made known to him that such article of food or drug is so mixed.

SEC. 6. *Protection by guaranty.* No dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the United States, from whom he purchases such articles, to the effect that the same are not adulterated within the meaning of this Act or the National Food and Drugs Act of June 30, 1906. Said Guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act.

SEC. 7. *Duty of Board of Health.* It shall be the duty of the Board of Health of the State of Delaware^a to enforce all the provisions of this Act and to promulgate rules and regulations to carry out the same so far as they relate to foods; and it shall be the duty of the State Board of Pharmacy to enforce all the provisions of this Act and to promulgate rules and regulations for carrying out the same so far as they relate to drugs, including proper methods for handling volatile and variable drugs. Such rules shall provide for the examination and analysis of specimens and shall give the party from whom the same is obtained opportunity to verify any findings and to be heard before prosecution. The rules and regulations officially prescribed for the enforcement of the Act of Congress, approved June 30, 1906, entitled, "An Act for preventing the manufacture, sale or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines and liquors, and for regulating traffic therein, and for other purposes," so far as applicable, shall be adopted by the said officials for the enforcement of this Act.

SEC. 8. *Penalty.* Whoever knowingly violates any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars nor more than one hundred dollars, in the discretion of the Court; said fine to be paid to the State Treasurer.

SEC. 9. *Payment of expenses.* The expenses incurred by all officials in performing duties imposed by the provisions of this Act, including reasonable compensation for services rendered, shall be paid by requisition upon the State Treasurer, when approved by the Governor, out of funds in hand not otherwise appropriated.

SEC. 10. *"Person" defined.* The word "person" as used in this Act shall be construed to import both the singular and plural, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this Act, the act, omission or failure of any officer, agent or other person acting for or employed by any corporation, company, society or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society or association as well as that of the person.

SEC. 11. *Effect.* This Act shall go into force and effect on the first day of October, nineteen hundred and seven, but shall not apply to packages then in stock.

Approved April 9, 1907. Laws of 1907, Ch. 160, pp. 301-304.

^a So in Statutes.

MILK.

SEC. 1. *Standard measure for milk and cream.* From and after the approval of this act, the standard measure of milk and cream in this State shall be fifty-seven and seventy-five one-hundredths cubic inches for each and every quart thereof; and when sold, with no special agreement as to the measurement thereof, the quart shall consist of fifty-seven and seventy-five one-hundredths cubic inches.

Approved March 4, 1907. Laws of 1907, ch. 167, p. 319.

DISTRICT OF COLUMBIA.

GENERAL FOOD LAW.

SEC. 10. *Weights and measures.* No person shall sell or offer for sale anywhere in the District of Columbia, any provisions or produce or commodities of any kind for a weight or measure greater than the actual or true weight or measure thereof; and all provisions, produce, or commodities of any kind shall when sold by weight or measure, be weighed by scales, weights, or balances, or measured in measures duly tested and sealed by the sealer or an assistant sealer of weights and measures: *Provided*, That berries, when offered for sale in an original package or basket containing a standard measure, may be sold in said package or basket without the same having been first tested and sealed; but in no case shall said basket be refilled for use in the sale of berries or produce of any kind whatsoever: *And provided further*, That poultry and vegetables, usually sold by the head or bunch, may be offered for sale and sold in other manner than by weight or measure; but in all cases where the person intending to purchase shall so desire and request, poultry shall be weighed, as hereinbefore prescribed: *And provided further*, That scales reported not in use shall be sealed down, and said seal shall not be broken except by authority of the sealer of weights and measures.—*As amended June 20, 1906, Statutes of the United States of America, 1905-1906, pt. 1, ch. 3444, pp. 315-316; and as further amended January 22, 1907, United States Statutes at Large, 1905-1907, pt. 1, ch. 384, p. 854. See Bul. 104, p. 20.*

United States Statutes at Large, 1893-1895, vol. 28, ch. 179, p. 812.

REGULATIONS OF THE HEALTH DEPARTMENT.

EXECUTIVE OFFICE,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 5, 1907.

Ordered: That "An ordinance to prevent the sale of unwholesome food and the distribution of medicinal and poisonous substances in the District of Columbia," adopted by the Commissioners of the District of Columbia, January 2, 1902, and amended April 21, 1903, is hereby further amended by adding thereto the following regulation, to be known as section Twelve:

Every manager of a store, market, cafe, lunch-room, or of any other place where a food or a beverage is manufactured or prepared for sale, stored for sale, offered for sale, or sold, which store, cafe, lunch-room, or other place is in operation at the time of the promulgation of this regulation, shall, on or before July 1, 1907, register his full name, and the location of said store, market, cafe, lunch-room, or other place, and the nature of the business transacted, in a book to be kept in the health office for that purpose; and every manager of a store, market, cafe, lunch-room, or other place where a food or beverage is manufactured or prepared for sale, stored for sale, offered for sale, or sold, that is

first opened for business after the promulgation of this regulation shall, within five days after the opening of said store, market, cafe, lunch-room, or other place, register in like manner. In event of a change in the manager or in the location of any store, market, cafe, lunch-room, or other place aforesaid, the manager thereof shall call at the health office within five days after such change takes place and make a corresponding entry. Any person who violates the provision of this regulation shall, upon conviction thereof, be punished by a fine not exceeding twenty-five dollars for each and every such offense.

Official copy furnished Health Officer.

By order:

W. TINDALL,
Secretary.

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, May 31, 1907.

ORDERED:

That, pursuant to the authority vested in the Commissioners by the "Joint Resolution authorizing the Commissioners of the District of Columbia to alter, amend, or repeal certain health ordinances" approved February 28, 1899, "An ordinance to prevent the sale of unwholesome food in the cities of Washington and Georgetown" as amended by Commissioners' order of January 2, 1902; April 21, 1903; October 6, 1904 and April 24, 1906, is hereby further amended by adding thereto the following:

SEC. 13. Every manager of a store, market, dairy, cafe, lunch room, or of any other place in the District of Columbia where a food, or a beverage, or confectionery, or any similar article, is manufactured or prepared for sale, stored for sale, offered for sale, or sold, shall cause it to be screened effectually so as to prevent flies and other insects from obtaining access to such food, beverage, confectionery, or other article, and shall keep such food, beverage, confectionery, or other article free from flies and other insects at all times. Any person violating the provisions of this regulation shall, upon conviction thereof, be punished by a fine of not more than twenty-five dollars for each and every such offense. This regulation shall take effect from and after the expiration of thirty days immediately following the date of its promulgation.

SEC. 14. Every manager of a store, market, dairy, cafe, lunch room, or of any other place in the District of Columbia where a food, or a beverage, or confectionery, or any similar article, is manufactured or prepared for sale, stored for sale, offered for sale, or sold, shall equip said store, market, dairy, cafe, lunch room, or other place, with running water, or other proper water supply if running water be not available, and with facilities and material for the proper washing, and shall cause such washing to be done, of the hands of all persons employed therein, and for the proper cleansing, and shall cause such cleansing to be done, of said store, market, dairy, cafe, lunch room, or other place, and of all apparatus, utensils, and materials used in connection therewith. Any persons violating the provisions of this regulation shall, upon conviction thereof, be punished by a fine of not more than twenty-five dollars for each and every such offense. This regulation shall take effect from and after the expiration of thirty days immediately following the date of its promulgation.

Official copy furnished Health Officer, D. C.

By Order:

W. TINDALL, *Secretary.*

FLORIDA.

GENERAL FOOD LAWS.

SEC. 1. *Penalty.* It shall be unlawful for any person to manufacture, sell, keep or offer for sale within the State of Florida, any article of food, drugs, medicine or liquors which is adulterated or misbranded, or which contains any poisonous or deleterious substance within the meaning of this act: and any of the persons who shall violate any of the provisions of this act shall be guilty of a misdemeanor and for each offense shall, upon conviction thereof, be fined not to exceed one thousand dollars, or shall be sentenced to not more than one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense, and on conviction thereof, shall be fined not exceeding two thousand dollars or sentenced to not more than two years' imprisonment or both such fine and imprisonment, in the discretion of the court.

SEC. 2. *Examination of samples; prosecution.* The examination of specimens of food and drugs shall be made by the State Chemist of Florida, or under his direction and supervision, for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this act, and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of the act, the Commissioner of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained: any party so notified shall be given an opportunity to be heard before the Commissioner of Agriculture and the Attorney General under such rules and regulations as may be prescribed by them, and if it appears that any of the provisions of this act have been violated by such party, then the Commissioner of Agriculture shall at once certify the facts to the proper prosecuting attorney, with the copy of the results of the analysis, or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. In case it shall appear to the satisfaction of the Commissioner of Agriculture and the Attorney General that the violation of this act is properly a subject of interstate commerce or otherwise comes under the supervision and jurisdiction of the United States, then the Commissioner of Agriculture shall certify the case to the United States District Attorney in whose district the violation may have been committed, but if it be under the jurisdiction of the courts of this State, then the Commissioner shall certify the case to the proper prosecuting attorney of the court in the county where the offense occurred. It shall be the duty of the proper prosecuting attorney to prosecute all persons violating any of the provisions of this act as soon as he receives the evidence transmitted by the Commissioner of Agriculture. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

SEC. 3. *"Food" defined.* * * * The term "food," as used herein, shall include all articles used for food, drink, confectionery or condiment by man or other animal, whether simple, mixed or compound.

SEC. 4. *Adulteration defined.* For the purpose of this act, an article shall be deemed to be adulterated—

* * * * *

In case of food:

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored or powdered, coated or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contains any added poisonous or other deleterious ingredient which may render such article injurious to health; Provided, That when in preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water or otherwise and directions for the removal of said preservative are printed on the covering of the package, the provisions of this act shall be construed as applying only when said products are ready for consumption.

Sixth. If the package, vessel or bottle containing it shall be of such a composition, or carry any attachment made of such a composition or metal or alloy as will be acted upon in the ordinary course of use by the contents of the package, vessel or bottle in such a way as to produce an injurious deleterious or poisonous compound.

Seventh. If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or one that has died otherwise than by slaughter.

SEC. 5. "*Misbranded*" defined. The term "misbranded" as used herein shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such articles or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product, which is falsely branded, as to the State, Territory or country in which it is manufactured or produced. For the purpose of this act an article shall also be deemed to be misbranded—

* * * * *

In case of food:

First. If it be an imitation of, or offered for sale under the distinctive sale^a of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or is an imitation in package or label of another substance of a previously established name, or, if the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package, or, if it fail to bear a statement on the label in conspicuous letters of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta,^a cannabis indica, chloral hydrate, eucaine or acetanilide, or any derivative or preparation of any such substances contained therein.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of package.

^a So in Statutes.

Fourth. If the package containing it, or its label shall bear any statement, design, or device^a shall be false or misleading in any particular; provided, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the cases of mixtures or compounds which may be now, or from time to time hereafter known as articles of food under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded, or tagged, so as to plainly indicate that they are compounds, imitations, or blends and the word "compound," "imitation," or "blend," as the case may be, is plainly stated in conspicuous letters on the package in which it is offered for sale; Provided, That the term "blend," as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring or flavoring only; and Provided further, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding; Provided, also, That this act shall not apply to stocks of drugs and medicines on hand in this State on September 1st, 1907, until the first day of June, 1908.

SEC. 6. *Exemption.* No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the State of Florida from whom he purchases such articles to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case the said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this act.

SEC. 7. *Authority for seizure.* If upon the trial of any person convicted under this act, it shall appear that any article of food, drug, or liquor, sold, kept or offered for sale by the person convicted is adulterated or misbranded, or is of a poisonous or deleterious character within the meaning of this act, the same shall be seized and destroyed by order of the court in such manner as the court may in the order direct.

SEC. 8. *Terms "person" and "party" defined.* The words "person" or party,"^a as used in this act, shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this act, the act, omission or failure of any officer, agent or other person acting for or employed by the corporation, company, society or association, within the scope of his employment or office, shall, in every case, be also deemed to be the act, omission or failure of such corporation, company, society or association, as well as that of the person.

SEC. 9. *Governor authorized to appoint a food and drug inspector; term of office; salary; duties.* As soon as this act becomes effective, the Governor is authorized to appoint a food and drug inspector for the State of Florida, who shall hold office during the pleasure of the Governor, not exceeding four years, under one appointment, and who shall receive a salary not to exceed \$1,500

^a So in Statutes.

per annum, and actual expenses not to exceed \$750.00 per annum while discharging his duty. His whole time shall be at the disposal of the Commissioner, and his duty shall be to travel about the State as directed, and take samples of such articles as directed, and forward them to the Department of Agriculture for scientific examination and analysis. The Governor shall also appoint an additional assistant chemist to carry out the provisions of this act, the salary of such assistant chemist to be fixed by the State Chemist, not to exceed \$1,800 per annum. He may also make such expenditures for apparatus, chemicals and increased laboratory facilities as in his judgment may be required; Provided, That the total expenditures under this act for any one year shall not exceed the sum appropriated to carry out the provisions of this act; the State Chemist and his assistant shall also be inspectors of foods, drugs, medicines and liquors.

SEC. 10. *Collection of samples; right of access for inspection.* Samples for analysis shall be taken by the duly qualified and sworn inspectors, or chemists, who shall take samples of such articles as may be directed by the Commissioner of Agriculture, and in the manner prescribed below: Whenever practicable, samples shall be taken in original unbroken packages; said packages shall be wrapped in paper and tied securely and sealed. In cases where it is not practicable to send a sample for analysis in an original package, as for instance, in case of syrups, or other liquids in barrels, or flour in barrels, etc., the inspector shall take a fair sample of the same in the presence of the seller, place it in a suitable receptacle, securely close, seal and forward the same to the Commissioner of Agriculture, and in every case where a sample is taken the person taking such sample shall at the same time, in the presence of the person from whom the same is taken, seal with paper seals or otherwise, another like sample of the article taken, on which said sample or on the seal placed thereon, shall be written the name of the person taking said sample, and the date when the same is taken, and the said sample shall be delivered back to the person from whom it is taken.

In the execution of their duties the inspectors shall have free access at all reasonable hours into any place where it is suspected that impure foods are being manufactured, or wherein any article of food or drink, drug or medicine, adulterated with any deleterious or foreign ingredients exists, and if such access shall be refused the inspector may apply for a search warrant, which shall be obtained in the same manner as is provided by law for the obtaining of a search warrant in other cases. In calling for and making a sample of any goods, the inspector shall tender to the seller the market price asked for the same.

SEC. 11. *Standards for food products.* It shall be the duty of the Commissioner of Agriculture and the State Chemist to fix standards of purity for food products where the same are not fixed by this act in accordance with those promulgated by the Secretary of Agriculture, the Secretary of the Treasury and the Secretary of Commerce and Labor of the United States when such standards have been published, and when not yet published the Commissioner of Agriculture and the State Chemist shall fix such standards; Provided, That the standards for lard, mixed edible fats and cottonseed oils are hereby defined as follows: Lard is hereby defined to be the fat of freshly slaughtered swine. It must not be from a diseased animal, or any portion of an animal unfit for food, or contain less than ninety-nine per cent of pure fat. A mixed edible fat is defined to be a mixture which contains not less than ninety-nine per cent of sweet mixed fat, and may consist of a mixture of refined cottonseed oil or other edible vegetable oils with sweet beef fat or other edible animal fat, and

must be sold under a registered or proprietary ^a brand and properly labeled with a distinctive trade mark or name, bearing the name of the manufacturer. Edible cottonseed oil is hereby defined as refined cottonseed oil, free from disagreeable taste or odors. White cottonseed oil for edible purposes is cottonseed oil which has been refined in such a manner as to be nearly odorless, colorless and flavorless. Winter cottonseed oil for edible purposes are ^a those from which a portion of the stearine has been removed. They may be either white or yellow. Whenever the State Chemist may find, by analysis that adulterated, misbranded, or imitation drugs, liquors or food products have been manufactured for sale, or put on sale in this State, he shall forthwith furnish a certificate of analysis to that effect to the Commissioner of Agriculture who shall transmit the same to the proper prosecuting officer in the county where the said adulterated, misbranded, or imitation drugs, liquor or food product was found. It shall be the duty of the said prosecuting officer to prosecute all persons violating any provisions of this act as soon as he receives the evidence transmitted by the Commissioner of Agriculture.

SEC. 12. *Annual report of State Chemist.* The State Chemist shall make an annual report to the Governor on work done in execution of this act, which report may be included in that now made on commercial fertilizers and published therewith.

SEC. 13. *Commissioner of Agriculture authorized to establish rules and regulations.* The Commissioner of Agriculture, with the advice of the Attorney General, shall have authority to establish such rules and regulations as shall not be inconsistent with the provisions of this act, and as in his judgment will best carry out the requirements thereof. He may exercise discretion as to the class of products he first subjects to rigorous inspection and analysis, realizing that the fullest and most complete execution of this law under a limited appropriation must be a matter of growth. His first efforts shall be more particularly directed to fostering the young and growing agricultural and manufacturing industries of the State, as the dairy, beef, fruit, cottonseed oil and syrup industries, by suppressing adulteration in butter, cheese, milk and feedstuffs, ciders, vinegars and syrups, lard and lard compounds.

SEC. 14. *Appropriation for carrying out provisions of act.* In order to enforce and carry out the provisions of this act, the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated and set aside out of the fees arising from the inspection and analysis of fertilizers, and so much thereof as is necessary is made immediately available; that the proceeds arising from the fees of this office be turned into the Treasury for the use of the general fund.

SEC. 15. *Effect.* This act shall be in force and effect from and after the first day of September, 1907.

SEC. 16. *Repeal.* All laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved June 3, 1907. Acts and Resolutions of 1907, ch. 5662, pp. 151-160.

LARD (FATS AND OILS).

See General Food Law, page 42.

^a So in Statutes.

MEAT.

SEC. 1. *Inspection before butchering.* From and after the passage of this act it shall be unlawful for any person or persons, firm or corporation to kill for any purposes any bull, steer, cow, heifer, yearling or calf in the State of Florida without inspection by a regularly appointed inspector except as is provided in Section 2 of this act.

SEC. 2. *Exemption.* The butchering of any such animal by the owner, his or her agent, if killed in the presence of one or more disinterested reputable persons, shall not be unlawful.

SEC. 3. *Penalty.* Any person violating the provisions of this act shall be punished by fine not less than fifty dollars or more than five hundred dollars or imprisonment in the county jail not less than sixty days or more than six months, or both such fine and imprisonment, at the discretion of the court.

SEC. 4. *Repeal.* All laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

SEC. 5. *Effect.* This act shall take effect from and after its passage and approval by the Governor.

Approved May 27, 1907. Acts and Resolutions of 1907, ch. 5665, p. 162.

RULES AND REGULATIONS.

The regulations adopted in harmony with the Federal regulations given in Circular 21 of the Secretary's Office, U. S. Department of Agriculture, are not here reprinted, only such rulings being given as afford information on additional points.

REGULATION 31—BAKING POWDER.

Baking powders must not contain substances not necessary to their manufacture. They must be labeled in a conspicuous way and place, either in the name of the powder itself or elsewhere, so as to show the acid salt of which the powder is made, as "Alum baking powder," "Alum-phosphate baking powder," "Phosphate baking powder," or "Cream of tartar baking powder;" also the common name of all the ingredients composing the same, and when so labeled they must be true to label.

REGULATION 32—GENERAL STATEMENT.

When of general interest, analysis will be made for parties within the State, if samples are taken in accordance with rules and instructions furnished by the department, and the required data concerning the samples are given on blanks furnished by the department.

Results of analyses will be sent to parties sending samples taken in accordance with rules and regulations, and to parties from whom samples are obtained by the department, as well as the manufacturer of the products.

It is the desire of the department to put information into the hands of manufacturers, dealers, and consumers of food and drugs, and to assist them in every way it can to know, manufacture, handle, and use the best, most desirable, and most wholesome food and drug products. The Food Control is in the interest of the honest manufacturer, the honest dealer, and for the protection of the consumer.

GEORGIA.

GENERAL FOOD LAWS.

SEC. 1. *Penalty for adulteration, or misbranding.* It shall be unlawful for any person to manufacture, sell or offer for sale within the State of Georgia, any article of food, drugs, medicines, or liquors, which is adulterated or misbranded, or which contains any poisonous or deleterious substance within the meaning of this Act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed five hundred dollars, or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court; and for each subsequent offense, and on conviction thereof, shall be fined not exceeding one thousand dollars, or sentenced to one year's imprisonment or both such fine and imprisonment, in the discretion of the court; * * * .

SEC. 2. *Examination by State chemists; prosecutions.* The examinations of specimens of foods and drugs shall be made by the State Chemist of Georgia, or under his direction and supervision, for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this Act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this Act, the Commissioner of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard before the Commissioner of Agriculture and the Attorney-General, under such rules and regulations as may be prescribed by them, and if it appears that any of the provisions of this Act have been violated by such party, then the Commissioner of Agriculture shall at once certify the facts to the proper prosecuting attorney, with a copy of the results of the analysis, or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. In case it shall appear to the satisfaction of the Commissioner of Agriculture and the Attorney-General that the violation of this Act is properly a subject of interstate commerce, or otherwise comes under the supervision and jurisdiction of the United States, then the Commissioner of Agriculture shall certify the case to the United States District Attorney, in whose district the violation may have been committed; but if it be under the jurisdiction of the courts of this State, then the Commissioner shall certify the case to the solicitor of the court in the county where the offense occurred. It shall be the duty of the State solicitor to prosecute all persons violating any of the provisions of this Act as soon as he receives the evidence transmitted by the Commissioner of Agriculture. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

SEC. 3. *"Food" defined.* * * * The term "food," as used herein shall include all articles used for food, drink, confectionery or condiment by man or other animals, whether simple, mixed or compound.

SEC. 4. *Adulteration defined.* For the purposes of this Act an article shall be deemed to be adulterated—

* * * * *

In case of confectionery:

If it contain terra-alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor, or compound or narcotic drug.

In case of food:

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health; *provided*, that when in preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise. And directions for the removal of said preservative shall be printed on the covering or the package; the provisions of this Act shall be construed as applying only when said products are ready for consumption.

Sixth. If the package, vessel or bottle containing it shall be of such a composition, or carry any attachment made of such a composition or metal or alloy, as will be acted upon in the ordinary course of use by the contents of the package, vessel or bottle in such a way as to produce an injurious, deleterious or poisonous compound.

Seventh. If it consist in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

SEC. 5. *Misbranding defined.* The term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such articles, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product, which is falsely branded, as to the State, Territory, or country in which it is manufactured or produced. For the purposes of this Act an article shall also be deemed to be misbranded—

* * * * *

In case of food:

First. If it be an imitation of, or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or is an imitation in package or label of another substance of a previously established name, or which has been trade-marked or patented, or, if the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package, or, if it fail to bear a statement on the label in conspicuous letters of the quantity or proportion of any

morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any of such substances contained therein.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it, or its label shall bear any statement, design, or device regarding the ingredients of the substances contained therein, which statement, design, or device shall be false or misleading in any particular; *provided*, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now, or from time to time, hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded, or tagged, so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated in conspicuous letters on the package in which it is offered for sale; *provided*, that the term "blend," as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only; *and provided further*, that nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this Act may require to secure freedom from adulteration or misbranding; *provided, also*, that this Act shall not apply to stocks of drugs and medicines on hand in this State, until the first day of August, 1908.

SEC. 6. *Guaranties.* No dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the State of Georgia, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case the said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act.

SEC. 7. *Confiscation.* Any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this Act, shall be liable to be proceeded against in any court of the State of Georgia within the county where the same is found, and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this Act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the treasury of the State of Georgia, but such goods shall not be sold in any jurisdiction contrary to the provisions of this Act, or the laws of that jurisdiction.

SEC. 8. *Terms "person" and "party" defined.* The words "person" or "party," as used in this Act, shall be construed to import both the plural and

the singular, as the case demands, and shall include corporations, companies, societies and associations.

When construing and enforcing the provisions of this Act, the act, omission or failure of any officer, agent or other person acting for or employed by the corporation, company, society or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission or failure of such corporation, company, society or association, as well as that of the person.

SEC. 9. *Execution of act by commissioner of agriculture.* The State Department of Agriculture is hereby charged with the duties of inspection and analysis required for the proper enforcement of this Act. The Commissioner of Agriculture is hereby directed to appoint officers, who shall perform all the duties required in the execution of this Act. The Commissioner, realizing the responsibilities resting on him for the protection of the lives and health of the people, shall, in making these appointments, be guided by the results of careful and diligent inquiry into the character, fitness and reputation for integrity and industry of all the officers whom he may appoint, who may be in any way intrusted with the execution of this law; such officers, when appointed, shall hold office during good behavior and attention to duty, and shall not be removed from office except for cause, provided such term of office of said officers shall terminate with that of the office of Commissioner of Agriculture.

SEC. 10. *Chief food and drug inspector; salaries.* As soon as this act becomes effective the Commissioner is authorized to appoint by and with the advice and consent of the State Chemist, a chief food and drug inspector for the State of Georgia, who shall receive a salary not to exceed \$1,500 per annum, and actual expenses while discharging his duty. His whole time shall be at the disposal of the Commissioner, and his duty shall be to travel about the State as directed, and take samples of such articles as directed, and forward them to the Department of Agriculture for scientific examination and analysis. The State Chemist may also appoint by and with the advice and consent of the Commissioner of Agriculture such additional assistants and experts, not to exceed three, in his office as may be required to carry out the provisions of this Act; the salaries of such assistants and experts to be fixed and adjusted by the Commissioner of Agriculture and the State Chemist, not to exceed \$1,500. They may also make such expenditures for apparatus, chemicals and increased laboratory facilities as in their judgment may be required, provided that the total expenditures under this Act for any one year shall not exceed the sum appropriated to carry out the provisions of this Act.

SEC. 11. *Sampling.* Samples for analysis shall be taken by the duly qualified and sworn inspectors, who shall take samples of such articles as may be directed by the Commissioner of Agriculture, and in the manner prescribed below; whenever practicable, samples shall be taken in original unbroken packages; said package shall be wrapped in paper and tied securely, and sealed over the cord with sealing-wax, on which the inspector shall impress his official seal. In cases where it is not practicable to send a sample for analysis in an original package, as for instance, in case of syrups, or other liquids in barrels, or flour in barrels, etc., the inspector shall take a fair sample of the same in the presence of the seller, place it in a suitable receptacle, securely close and wax it and impress his official seal upon the wax and forward the same to the Commissioner of Agriculture. In the execution of his duties the inspector shall have free access at all reasonable hours into any place where it is suspected that impure foods are being manufactured, or wherein any article of food or drink, drug or medicine, adulterated with any deleterious or foreign ingredi-

ents exists. In calling for and taking a sample of any goods, the inspector shall tender to the seller the market price asked for the same.

[SECS. 12-19 refer to feeding stuffs and are not included in this compilation.]

SEC. 20. *Penalty for hindering inspector, etc.* Any manufacturer, dealer or other person who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent any inspector or other person in the performance of his duty in collecting samples or otherwise in connection with this Act, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than ten dollars nor more than fifty dollars, * * *

SEC. 21. *Standards of purity for foods; certificate of analysis; prosecutions.* It shall be the duty of the Commissioner of Agriculture and the State Chemist to fix standards of purity for food products where the same are not fixed by this Act, in accordance with those promulgated by the Secretary of Agriculture, the Secretary of the Treasury and the Secretary of Commerce and Labor of the United States, when such standards have been published; and when not yet published, the Commissioner of Agriculture and the State Chemist shall fix such standards, provided that the standards for lard, mixed edible fats and cottonseed-oils are hereby defined as follows: Lard is hereby defined to be the fat of freshly slaughtered swine. It must not be made from a diseased animal, or any portion of an animal unfit for food, or contain less than ninety-nine per cent. of pure fat. A mixed edible fat is defined to be a mixture which contains not less than ninety-nine per cent. of sweet mixed fat, and may consist of a mixture of refined cottonseed-oil or other edible vegetable oils with sweet beef fat or other edible animal fat, and must be sold under a registered or proprietary brand and properly labeled with a distinctive trade-mark or name bearing the name of the manufacturer. Edible cottonseed-oil is hereby defined as refined cottonseed-oil, free from disagreeable taste or odors. White cottonseed-oil for edible purposes is cottonseed-oil which has been refined in such a seed-oil for edible purposes is cottonseed-oil which has been refined in such a manner as to be nearly colorless, flavorless and odorless. Winter cottonseed-oils for edible purposes are those from which a portion of the stearine has been removed. They may be either white or yellow. Whenever the State Chemist may find, by analysis, that adulterated, misbranded, or imitation drugs, liquors or food products have been manufactured for sale, or put on sale in this State, he shall forthwith furnish a certificate of analysis to that effect to the Commissioner of Agriculture, who shall transmit the same to the State Solicitor in the county where the said adulterated, misbranded, or imitation drug, liquor or food product was found. It shall be the duty of the State Solicitor to prosecute all persons violating any provisions of this Act as soon as he receives the evidence transmitted by the Commissioner of Agriculture.

SEC. 22. *Annual report of State Chemist.* The State Chemist shall make an annual report to the Commissioner of Agriculture on work done in execution of this Act, which report may be included in that now made on commercial fertilizers, and published therewith.

SEC. 23. *Rules and regulations; foods to be first inspected.* The Commissioner of Agriculture, with the advice of the Attorney-General, shall have authority to establish such rules and regulations as shall not be inconsistent with the provisions of this Act, and as in his judgment will best carry out the requirements thereof. He may exercise discretion as to the class of products he first subjects to rigorous inspection and analysis, realizing that the fullest and most complete execution of this law under a limited appropriation must be a matter of growth. His first efforts shall be more particularly directed to

fostering the young and growing agricultural and manufacturing industries of the State, as the dairy, beef, fruit, cottonseed-oil and syrup industries, by suppressing adulteration in butter, cheese, milk, feed-stuffs, ciders, vinegars and syrups, lard and lard compounds.

SEC. 24. *Appropriation.* In order to enforce and carry out the provisions of this Act the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated and set aside out of the fees arising from the inspection and analysis of fertilizers, and so much thereof as is necessary is made immediately available. That the proceeds arising from the fees of this office be turned into the treasury for the use of the common-school fund of the State.

SEC. 25. *Effect.* This Act shall be in force and effect from and after the first day of August, 1907.

SEC. 26. *Repeal.* All laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved August 21, 1906. Laws of 1906, No. 463, pp. 83-95.

CONFECTIONERY.

See General Food Law, page 46.

CORN MEAL.

SEC. 1. *Standard of weight.* The standard weight of a bushel of corn-meal, whether bolted or unbolted, shall be forty-eight (48) pounds.

SEC. 2. *Weight of packages; labels; proviso.* It shall be unlawful for any person or persons to pack for sale, sell, or offer for sale in this State, any corn-meal except in bags or packages containing by standard weight two bushels, or one bushel, or one-half bushel, or one-fourth bushel, or one-eighth bushel, respectively. Each bag or package of corn-meal shall have plainly printed or marked thereon, whether the meal is "bolted" or "unbolted," the amount it contains in bushels, or fraction of a bushel, and the weight in pounds; *provided*, the provisions of this section shall not apply to the retailing of meal direct to customers from bulk stock when priced and delivered by actual weight or measure.

SEC. 3. *Penalty.* Any person or persons guilty of violating either of the foregoing sections of this Act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished as prescribed by section 1039 of volume 3 of the Code of 1895. *See Bul. 69, Rev., Pt. II, p. 134.*

SEC. 4. *Effect.* This Act shall be of force and effect from and after January 1, 1907.

SEC. 5. *Repeal.* All laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved August 21, 1906. Laws of 1906, No. 452, pp. 118-119.

LARD (FATS AND OILS).

See General Food Law, page 49.

STANDARDS.

The standards of the United States Department of Agriculture have been adopted as the official standards of Georgia.

The following rulings on the interpretation of the food and drugs Act are the outgrowth of questions put to the Department by millers, manufacturers, etc.,

of commercial feeding-stuffs and others and are printed as being of possible service to others interested.

Ruling No. 1. The law commonly known as the pure food law is to be officially designated as the "Food and Drugs Act of Georgia," approved August 21, 1906.

Ruling No. 2. All foods offered for sale in the State of Georgia must be so branded or labeled as to truly set forth the composition or contents of the food or drink so offered for sale, and if such foods or drinks are imitation, compound, blended, or adulterated, those words, viz.: "imitation," "compound," etc., must immediately precede or follow the names of the articles described, and must be in the same size and style of type and on the same kind of background as the word or words with which they are associated.

Ruling No. 3. Three guarantees are required on our registration sheet, viz.: the minimum percentage of fat and protein, and the maximum percentage of fiber; in other words, the fat and protein in a manufacturer's goods must not be less than his guarantee and the fiber must not be above his guarantee.

GENERAL INFORMATION REGARDING THE NEW FOOD AND DRUGS ACT, COMMONLY CALLED THE "PURE FOOD LAW."

All merchants or others doing business in Georgia and purchasing goods from manufacturers, either in or out of the State, are earnestly advised to require a guaranty of purity from such manufacturers, dealers or jobbers. The following form of guaranty is recommended:

FORM OF GUARANTEE OF PURITY.

I (or we) the undersigned wholesaler, jobber or manufacturer, in consideration of _____ (name and address of) _____ retail merchant, purchasing food from me (or us), hereby guarantee that all foods sold to _____ shall be pure within the meaning of what is known as the "Food and Drugs Act" of Georgia, and shall conform with the requirements of said law, and the standards and rulings of the Commissioner of Agriculture of Georgia governing standards of purity, branding and otherwise. This guarantee to remain in force until revoked in writing. The articles hereby guaranteed are: _____

Signed: _____

DUTIES OF THE DEPARTMENT OF AGRICULTURE UNDER THE FOOD AND DRUGS ACT.

The law directs the Commissioner of Agriculture:

1. To collect and examine samples of foods and drugs for man and beast, and to publish the results of the examination.

2. When the law has been found to be violated, to certify the fact to the proper prosecuting attorney, either State or Federal, who shall prosecute without delay.

3. To cause all products, whether compound, mixed or blended, to be properly branded or labeled.

4. Directs the Commissioner of Agriculture and the State Chemist to fix standards of purity for food products, where such standards have not already been prescribed by the Secretaries of the Treasury, of Agriculture, and of Commerce and Labor of the United States.

HAWAII.

ALCOHOLIC BEVERAGES.

SEC. 47. *Suspected liquors to be examined.* If a person who has reason to believe that a licensee is selling intoxicating liquor that is adulterated, shall call the attention of the Inspector thereto, said Inspector, or any person authorized by him in writing, shall secure from such licensee a sample or samples of liquor for analysis; and said Inspector may at any time procure or so cause to be procured samples of liquor for analysis.

SEC. 48. *Procuring samples.* The Inspector or the person so authorized shall, upon procuring samples from such licensee, immediately disclose to the licensee his office or authority, and in case such procurer shall be a person other than the Inspector, he shall then deliver to the licensee a copy of the written order to procure such samples; and the vessel or vessels containing the same shall then be sealed by the procurer thereof before being taken from the premises of such licensee and the licensee may also attach his seal thereto.

SEC. 49. *Disposal of sample.* The Inspector shall cause the samples so obtained to be immediately delivered to the Food Commissioner or Analyst, or some other competent analyst who shall make an analysis of such liquors, and shall send a certified report of such analysis to said Inspector, who shall file the same with the Secretary of the Board.

SEC. 50. *Unadulterated samples; copy of analysis on request.* If the samples analyzed be found free from the adulteration prohibited by the laws of the United States, the certificate referred to in the preceding Section shall so state, and the Board shall pay to the licensee a sum equal to the value of the sample, and if requested by the licensee the Secretary shall furnish him a copy of the analysis.

SEC. 51. *Prosecution; penalty.* If the certificate of analysis shows the sample to contain liquor that is adulterated according to the laws of the United States the Inspector shall prosecute such licensee for selling, offering for sale or furnishing adulterated liquor, as the case may be. And the licensee from whom such sample was obtained shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not to exceed Six Hundred Dollars (\$600.00), and his license may be revoked.

SEC. 52. *Tampering with sample, a misdemeanor; penalty.* Any person who tampers with the samples of liquor taken for analysis under the provisions of this Act shall be guilty of a misdemeanor and on conviction thereof be fined not less than Two Hundred Dollars (\$200.00) nor more than Six Hundred Dollars (\$600.00), or be imprisoned not less than six nor more than twelve months.

SEC. 53. *Refusal to give sample, a misdemeanor; penalty.* Any licensee who refuses to deliver samples of liquor for analysis upon disclosure of the authority in the manner provided by Section forty-eight of this Act shall be guilty of a misdemeanor and on conviction thereof, be fined not less than Two Hundred Dollars (\$200.00) nor more than Six Hundred Dollars (\$600.00).

Approved April 30, 1907. Laws of 1907, Act 119, pp. 268-270.

IDAHO.

GENERAL FOOD LAWS.

Section 30 of an Act approved March 6, 1905, amended to read as follows:

SEC. 30. *Appointment of State chemist; salary.* The State Board of Dairy, Food and Oil Commissioners shall have power to appoint a State Chemist who shall receive a salary of two thousand (\$2,000.00) dollars per annum, which shall be paid from any funds in the treasury of the State of Idaho, not otherwise appropriated, and who shall hold office at the will of the board.

SEC. 2. *Effect.* Whereas, an emergency exists therefor, this act shall take effect from and after its passage and approval.

Approved March 13, 1907. Session Laws of 1907, House Bill No. 240, p. 337.

FRUIT.

SEC. 22. *Sale of infected fruit; penalty.* It shall be unlawful to sell or dispose of, or offer to sell or dispose of, or to have in one's possession for sale or barter, any fruit which is or has been infected with San Jose scale or the larva or larvæ of the codling moth, and the fact that such fruit bears the marks of the San Jose scale, or is worm-eaten by the larva or larvæ of the codling moth shall be deemed conclusive evidence that said fruit is infected within the meaning of this section; and the State inspector^a and the several deputy inspectors are hereby given power to seize and destroy such infected fruit whenever they shall find that the same has been packed, sold, shipped or offered for sale, or where the same has been exposed for sale, or is being held in any ware house, store, sales room or other place for the purpose of being sold, bartered, shipped or exposed for sale or barter; and it is hereby made the duty of said State inspector and said district inspectors to enforce the provisions of this section, and any person or persons who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars and not more than three hundred dollars, or by imprisonment in the county jail not more than three months, or by both such fine and imprisonment: *Provided*, That nothing in this section shall be construed to prevent the utilization of such infected fruit in the manufacture of fruit by-products where said fruit has not been packed, sold, shipped, stored or offered or exposed for sale as fruit.

Approved March 13, 1907. Laws of 1907, House Bill No. 149, p. 450.

^a State Horticultural Inspector.

ILLINOIS.

GENERAL FOOD LAWS.

SEC. 1. *Provision for appointment of a state food commissioner, and the establishment of a state food department.* That the Governor shall appoint a commissioner who shall be known as the State Food Commissioner, who shall be a citizen of the State of Illinois, and who shall hold his office for the term of four years and until his successor is appointed and qualified, and who shall receive a salary of thirty hundred dollars per annum and his necessary expenses incurred by him in the discharge of his official duties, and who shall be charged with the enforcement of all laws that now exist or that hereafter may be enacted in this State regarding the production, manufacture, sale and labeling of food as herein defined, and to prosecute or cause to be prosecuted any person, firm or corporation, or agent thereof, engaged in the manufacture or sale of any article manufactured or sold in violation of the provisions of any such law or laws. The Governor shall also appoint from time to time as required, a food standard commission, for the purpose of determining and adopting standards of quality, purity or strength, for food products, for the State of Illinois, to consist of three members, one of whom shall be the State Food Commission[er] or his representative, who shall serve without extra pay; one of whom shall be a representative of the Illinois food manufacturing industries and one of whom shall be an expert food chemist of known reputation, all to be citizens of the State of Illinois, who shall receive fifteen dollars (\$15.00) per day for a period not exceeding thirty (30) days in one year, and necessary expenses incurred during the time employed in the discharge of their duties: *Provided*, that said food standard commission in determining and adopting a standard of quality, purity or strength, of milk or cream, shall fix such standard as may be determined, solely by the examination and test of milk or cream and the can or receptacle in which it is placed.

Officers appointed by commissioner; salaries. The said commissioner is hereby authorized to appoint, with the advice and consent of the Governor, one assistant commissioner who shall be a practical dairyman, whose salary shall be \$2,000 per annum and expenses incurred in official duties. One chief chemist who shall be known as State Analyst, whose salary shall be \$2,500 and expenses incurred in the discharge of official duties. One attorney whose salary shall be \$1,800 per annum and expenses incurred in the discharge of official duties. One chief clerk whose salary shall be \$1,800 per annum and expenses incurred in discharge of official duties. Said commissioner shall also have authority to appoint five analytical chemists whose salary shall be \$1,200 per annum each. 12 inspectors, whose salary shall be \$1,200 per annum and the necessary expenses incurred in the performance of their duties. Three (3) stenographers at \$900 and one assistant clerk at \$900 each.

Annual report. The said commissioner shall make annual reports to the Governor not later than the 15th day of January, of his work and proceedings, and shall report in detail the number of inspectors he has appointed and em-

ployed, with their expenses and disbursements and the amount of salary paid the same, and he may from time to time issue bulletins of information when in his judgment the interests of the State would be promoted thereby.

Headquarters of commissioner. The said commissioner shall maintain an office and laboratory where the business of said department may be conducted. This section shall not affect the term of office of the present commissioner, and he shall be regarded as having been appointed under the provisions of this act.

Sec. 2. Power of commissioner and inspectors making inspection. The State Food Commissioner, and such inspectors and agents as shall be duly authorized for the purpose, when and as often as they may deem it necessary for the purpose of determining whether any manufactured food complies with the law, shall examine the raw materials used in the manufacture of food products and determine whether any filthy, decomposed or putrid substance is used in their preparation. They may also examine all premises, carriages or cars where food is manufactured, transported, stored or served to patrons, for the purpose only of ascertaining their sanitary condition and examining and taking samples of the raw material and finished products found therein; but nothing in this Act shall be construed as permitting such officers to inquire into, or examine methods or processes of manufacture, or requiring or compelling proprietors or manufacturers, or packers of proprietary or other food products, to disclose trade rights, or secret processes, or methods of manufacture. Said commissioner, inspectors and agents shall also have power and authority to open any package, can or vessel, containing or supposed to contain, any article manufactured, sold or exposed for sale, or held in possession with intent to sell, in violation of the provisions of this Act, or laws that now exist, or that may hereafter be enacted in this State, and may inspect the contents thereof, and may take samples therefrom for analysis. The employes of railroads, express companies, or other common carriers, shall render to them all the assistance in their power, when so requested, in tracing, finding, or disclosing the presence of any article prohibited by law, and in securing samples thereof as herein provided for.

Sec. 3. Refusal to assist inspector a misdemeanor. Any refusal or neglect on the part of such employes of railroads, express companies or other common carriers to render such friendly aid, or to furnish such samples for analysis, as provided for in section 2 of this Act, shall be deemed a misdemeanor and shall be punished as hereinafter provided.

Sec. 4. Taking of samples. The person taking such sample as provided for in section 2 of this Act, shall in the case of bulk or broken package goods divide the same into two equal parts, as nearly as may be, and in the case of sealed and unbroken packages he shall select two of said packages, which two said packages shall constitute the sample taken and, properly to identify the same, he shall, in the presence of the person from whom the same is taken, mark or seal each half or part of such sample with a paper seal or otherwise, and shall write his name thereon and number each part of said sample with the same number and also write thereon the name of the said dealer in whose place of business the sample is found and the person from whom said sample is taken shall also write his name thereon and at the same time the person taking said sample shall give notice to such person from whom said sample is taken that said sample was obtained for the purpose of examination by the State Food Commissioner. One part of said sample shall be taken by the person so procuring the same to the State Analyst or other competent person appointed for the purpose of making examinations or analyses of samples so taken, and the person taking such sample shall tender to the person from whom it is taken,

the value of that part thereof so retained by the person taking said sample; the other part of said sample shall be delivered to the person from whom said sample is taken. If the person from whom said sample is taken has recourse upon the manufacturer or guarantor either by operation of law or under contract for any failure of the part of said sample to comply with the provisions of this Act, then said person from whom said sample is taken shall retain for the period of ninety days that part of said sample so delivered to him in order that said manufacturer or guarantor may have the same examined or analyzed if he so desires:

Provided, That the person procuring said sample may securely pack and box that part thereof retained by him and send the same to the State Analyst, or other competent person appointed hereunder for the purpose of making examinations or analyses of samples, and his testimony that he did procure the sample and that he sealed and numbered the same as herein provided, and that he wrote his name thereon and that he packed and boxed said part thereof and sent the same to the State Analyst, or other competent person appointed hereunder to analyze such sample and the testimony of the person to whom said package or box is addressed that he received the same in apparent good order that said sample was sealed and that the number thereof and name of the sender, as herein provided for, was on said sample, and that the seal at the time the same was received was unbroken, shall be *prima facie* evidence that the sample so received is the sample that was sent, and that the contents thereof are the same and in the same condition as at the time the person so procuring said sample parted with the possession thereof, and the testimony of said two witnesses as above shall be sufficient to make such *prima facie* proof.

SEC. 5. *Manufacturing adulterated or misbranded food a misdemeanor.* It shall be unlawful for any person to manufacture for sale within the State of Illinois any article of food or drink which is adulterated or misbranded within the meaning of this Act and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be punished according to the provisions of this Act.

Provided, That no article shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country or purchaser, and prepared or packed according to the specifications or directions of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not except said article from the operation of any of the other provisions of this Act.

SEC. 6. *Possession of misbranded or adulterated articles prohibited.* The having in possession of any article of food or drink which is misbranded or adulterated with intent to sell the same, is hereby prohibited, and whoever shall have in his possession with the intent to sell, sell or offer for sale any article which is adulterated or misbranded within the meaning of this Act, shall be guilty of a misdemeanor, and on conviction thereof shall be punished as hereinafter provided. Proof that any person, firm or corporation has or had possession of any article which is adulterated or misbranded shall be *prima facie* evidence that the possession thereof is in violation of this section.

SEC. 7. *Term food defined.* The term "food," as used herein, shall include all articles used for food, drink, confectionery or condiment by man or other animals, whether simple, mixed or compound, and any substance used as a constituent in the manufacture thereof.

SEC. 8. *Defines adulteration.* That for the purpose of this Act an article shall be deemed to be adulterated; in case of confectionery—

First—If it contains terra alba, barytes, talc, chrome yellow, paraffin, mineral fillers, or poisonous mineral substances, or poisonous color or flavor.

Second—If it contains any ingredient deleterious or detrimental to health, or any vinous, malt or spiritous liquor or compound, or narcotic drug.

In case of food:

First—If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality, strength or purity.

Second—If any substance has been substituted wholly or in part for the article.

Third—If any valuable constituent of the article has been wholly or in part abstracted: *Provided*, that in the manufacture of skim or separated cheese the whole or a part of the butter fats in the milk may be abstracted.

Fourth—If it be mixed, colored, powdered, coated, polished or stained in any manner whereby damage or inferiority is concealed, or it is made to appear better or of greater value than it really is.

Fifth—If it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, that when in the preparation of food products for shipment they are preserved by an external application, applied in such a manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservatives shall be printed on the covering of the package, the provisions of this Act shall be construed as applying only when such products are ready for consumption: and formaldehyde, hydrofluoric acid, boric acid, salicylic acid and all compounds and derivatives thereof are hereby declared unwholesome and injurious.

Sixth—If it consists in whole or in part of a filthy, decomposed or putrid, infected, tainted or rotten animal or vegetable substance or article, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

SEC. 9. Misbranded defined. The term "misbranded," as used herein, shall apply to all articles of food or drink, or articles which enter into the composition of food or drink, the packages or label of which shall bear any statement, design or device regarding such article, or the ingredients or substance contained therein which shall be false or misleading in any particular and to any such products which are falsely branded as to manufacturer, packer or dealer who sells the same or as to the State, territory or country in which it is manufactured or produced. That for the purpose of this Act an article shall be deemed misbranded.

In case of food:

First—If it be an imitation of or offered for sale under the distinctive name of another article.

Second—If it be labeled or branded so as to deceive or mislead the purchaser, or purports to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it shall fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilid, or any derivative or preparation of any such substances contained therein.

Third—If in any package form and the contents are stated in terms of weight or measure, they are not correctly and plainly stated on the outside of the package.

Fourth—If it be a manufactured article of food or food sold in package form, and is not distinctly labeled, marked or branded with the true name of the arti-

cle, and with either the name of the manufacturer and place of manufacture or the name and address of the packer or dealer who sells the same.

Fifth—If the package containing it, or its label, shall bear any statement, design or device regarding the ingredients of the substance contained therein, which statement, design or device shall be false or misleading in any particular: *Provided*, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in following cases:

First—In the case of mixtures or compounds which may be now, or from time to time hereafter known as articles of food under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where the article has been manufactured or produced.

Second—In the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, and the word "compound," "imitation" or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, that the term "blend," as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only, and as applied to alcoholic beverages, only those distilled spirits shall be regarded as "like substances" which are distilled from the fermented mash of grain and are of the same alcoholic strength: *And, provided, further*, that nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods, which contain no unwholesome added ingredients, to disclose their trade formulas, except in so far as the provisions of this Act may require to secure freedom from adulteration or misbranding.

Third—In the case of mixtures of corn syrup (glucose) or corn sugar (dextrose) or corn sugar syrup, with cane or beet sugar (sucrose) or cane or beet sugar syrup, in food, if the maximum per centage of corn syrup (glucose), or corn sugar (dextrose) or corn sugar syrup, in such article of food be plainly stated on the label.

SEC. 10. *Confiscation and condemnation of misbranded or adulterated foods.* Any article of food or drink or liquor that is adulterated or misbranded within the meaning of this Act, and is being sold or offered for sale within the State of Illinois, shall be liable to be proceeded against in any circuit court, or the superior court of Cook county, or the municipal court of any city, or before any justice of the peace within whose jurisdiction the same may be found, and seized for confiscation by process of law or condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character within the meaning of this Act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the treasury of the State of Illinois and credited to the fund of the State Food Commission, to be used in the enforcement of the State food laws, but such goods shall in no instance be sold contrary to the provisions of this Act: *Provided, however*, that upon payment of the costs of such libel proceedings and the execution and the delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this Act, the court may, by order, direct that such articles be delivered to the owner thereof. Either party may demand trial by jury upon any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the People of the State of Illinois.

SEC. 15. *Mutilating label prohibited.* Whoever shall deface, change, erase or remove any mark, label or brand provided for by this Act with intent to mislead, deceive or to violate any of the provisions of this Act, shall be held liable to the penalties of this Act.

SEC. 29. *Illegal foods to be seized.* Whenever the commissioner or his agents shall have ground for suspicion that any article of food, found in possession of any person, firm or corporation, is adulterated or misbranded within the meaning of this Act, he may seize such article of food and make an inventory thereof, and shall leave a copy of such inventory with the party holding such suspected goods and tag the same "suspected;" and he shall notify in writing the person, firm, or corporation in whose possession it may be found, not to offer the same for sale or sell or otherwise dispose of the same until further notice in writing from the commissioner. Whereupon the commissioner shall forthwith cause a sample of said article of food to be examined or analyzed, and if the same shall be found to be adulterated or misbranded within the meaning of this Act the commissioner shall proceed with a hearing and subsequent proceedings as provided in this Act. If, however, such examination or analysis shall show that such article of food complies with the provisions of the Act, the person, firm or corporation, in whose possession such article of food is found shall forthwith be notified in writing that said seizure is released, and authority given to dispose of such article of food. Such seizure may be had without a warrant and said commissioner, and all inspectors and agents appointed pursuant to law are hereby given full power and authority of "policemen." Any court having jurisdiction, upon receiving proof or probable cause for believing in the concealment of any food or dairy products or substitutes therefor, or imitation thereof, kept for sale or for a purpose, or had in possession or under control, contrary to the provisions of this Act, or other laws which now exist or may be hereafter enacted, shall issue a search warrant and cause a search to be made in any place therefor and to that end may cause any building, enclosure, wagon or car to be entered, and any apartment, chest, box, locker, tub, jar, crate, basket or package to be broken open and the contents thereof examined.

SEC. 30. *Search warrants to be issued for illegal food.* All warrants issued pursuant to section 29 hereof shall be directed to the sheriff, bailiff or some constable of the county where such food or dairy products may be supposed to be concealed, commanding such officer to search the house or place where such food or dairy product, or substitute thereof, or imitation thereof, for which he is required to search, is believed to be concealed, which place and the property to be searched for, shall be designated in the warrant, and to bring such food or dairy product or substitute therefor or imitation thereof, when found, and the person in whose possession the same is found, before the magistrate who issued the warrant, or before some other court or magistrate having jurisdiction of the case to be proceeded against as hereinbefore provided for in section 10 of this Act.

SEC. 31. *State's attorney to assist.* It shall be the duty of the State's Attorney in any county of this State when called upon by the commissioner, or any of his assistants to render any legal assistance in his power to execute the law and to prosecute cases arising under the provisions of this Act: *Provided*, That no person shall be prosecuted under the provisions of this Act for selling or offering for sale any article of food or drugs as defined herein, when same is found to be adulterated or misbranded within the meaning of this Act, in the original unbroken package in which it was received by said person when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or

other party residing in this State, from whom he purchased such article, to the effect that the same is not adulterated or misbranded in the original unbroken package in which said article was received by said dealer, within the meaning of this Act, designating it. Said guaranty to afford protection, shall contain the name and address of the party or parties making the sale of such article to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties as provided for in this Act: *Provided*, that no such guaranty shall operate as a defense to prosecutions for the violation of this Act. *First*. If the dealer shall continue to sell after notice by the State Food Commissioner that such article is adulterated or misbranded within the meaning of this Act. *Second*. If the dealer shall fail to preserve for the manufacturer or guarantor and deliver to him upon demand the sample left with him by the commissioner or his agent.

SEC. 32. *Board of health may furnish samples.* The State Board of Health may submit to the commissioner or any of his assistants samples of food or drink for examination or analysis, and shall receive special reports showing the results of such examination or analysis.

SEC. 33. *Certificate of purity.* It shall be unlawful for the State Analyst or any assistant State analyst to furnish to any individual, firm or corporation any certificate as to the purity or excellence of any article manufactured or sold by them to be used as food or in the preparation of food.

SEC. 34. *Evasion of act.* The use of any shift or device to evade any of the provisions of this Act shall be deemed a violation of such provision and punishable as herein provided.

SEC. 35. *Violation of act a misdemeanor.* Whoever shall, by himself or another, either as principal, clerk or servant, directly or indirectly, violate any of the provisions of this Act, shall be guilty of a misdemeanor and punished as herein provided.

SEC. 36. *Disposition of penalties.* All fines, penalties, and all proceeds collected from goods confiscated and sold under the provisions of this Act and other laws relating to dairy and food products, and all license fees collected hereunder, shall be paid into the State treasury.

SEC. 37. *Labels.* The principal label on any package of food, as defined by this Act, shall be printed plainly and legibly in English with or without the foreign label in the language of the country where the product is produced or manufactured and the size of type, if not otherwise described in this Act, shall be not smaller than EIGHT-POINT (BREVIER) CAPS: *Provided*, that in case the size of the package will not permit the use of eight-point cap type, the size of the type may be reduced proportionately.

SEC. 38. *Rules and regulations.* The State Food Commissioner shall make rules and regulations for carrying out the provisions of this Act, and shall have power to make rules and regulations for the analyzing and reporting the results thereof, of articles submitted for analysis by the State Board of Health, and regulating the analyzing and reporting thereon of samples taken under any law or laws of the United States by any person hereunder, or furnished by any officer or employé charged with the enforcement of the laws of the United States relative to the manufacture, sale or transportation of adulterated, misbranded, poisonous or deleterious foods, dairy products or articles manufactured from dairy products, or liquors.

SEC. 39. *Standard of purity and strength.* In the enforcement of this Act, and in the construction thereof, the following named articles of foodstuffs, when offered for sale or exposed for sale, or sold, shall conform to the analytical requirements set opposite each respectively.

Milk shall contain not less than three (3) per cent of milk fat and not less than eight and one-half (8.5) per cent of solids, not fat.

Condensed Milk and Evaporated Milk shall contain not less than twenty-eight (28) per cent of milk solids and one hundred (100) per cent of such milk solids shall contain not less than twenty-seven and five-tenths (27.5) per cent of milk fat.

Cream shall not contain less than eighteen (18) per cent of milk fat.

Maple Sugar shall contain not less than sixty-five one-hundredths (0.65) per cent of maple ash in the water-free substance.

Honey is laevo-rotatory, contains not more than twenty-five (25) per cent of water, not more than twenty-five hundredths (0.25) per cent of ash and not more than eight (8) per cent of sucrose.

Cloves shall contain not more than five (5) per cent of clove stems, not less than ten (10) per cent of volatile ether extract, not less than twelve (12) per cent of quercitannic acid, not more than eight (8) per cent of total ash, not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

Black Pepper shall contain not less than six (6) per cent of non-volatile ether extract, not less than twenty-five (25) per cent of pepper starch, not more than seven (7) per cent of total ash, not more than two (2) per cent of ash insoluble in hydrochloric acid, and not more than fifteen (15) per cent of crude fiber.

Lemon Extract shall contain not less than five (5) per cent of oil of lemon by volume.

Orange Extract shall contain not less than five (5) per cent of oil of orange by volume.

Vanilla Extract shall contain in one hundred (100) cubic centimeters the soluble matters from not less than ten (10) grams of vanilla bean.

Olive Oil has a refractive index (25°C) not less than one and forty-six hundred and sixty ten thousandths (1.4660) and not exceeding one and forty-six hundred and eighty ten-thousandths (1.4680); and an iodine number not less than seventy-nine (79) and not exceeding ninety (90).

All vinegars shall contain four (4) grams of acetic acid in one hundred (100) cubic centimeters (20°C).

Cider Vinegar shall contain not less than one and six-tenths (1.6) grams of apple solids, and not less than twenty-five hundredths (0.25) grams of apple ash in one hundred (100) cubic centimeters (20°C).

Wine Vinegar shall contain not less than one (1) gram of grape solids and not less than thirteen-hundredths (0.13) gram of grape ash in one hundred cubic centimeters (20°C).

Malt Vinegar shall contain in one hundred (100) cubic centimeters (20°C.) not less than two (2) grams of solids and not less than two-tenths (0.2) gram of ash.

In the enforcement of this Act and the construction thereof all articles of food not defined in this Act, when offered for sale or exposed for sale, or sold, shall conform to the definition and analytical requirements of the standards adopted and promulgated from time to time by the State Food Standard Commission: *Provided*, such standards for any article of food or drink, or for any substance used or intended to be used in food or drink, shall be deemed *prima facie* evidence of the proper standard of quality, purity and strength of any such article or substance, but shall only be deemed such *prima facie* evidence in the trial of cases brought in the proper courts to enforce the provisions of this Act.

Provided, that nothing in this section shall be construed to prevent the sale

of any wholesome food product which varies from such standards, if such article of food be labeled so as to clearly indicate such variation.

SEC. 40. *Preliminary hearing by the commissioner.* When it appears from the examination or analysis that the provisions of this Act have been violated, the food commissioner shall cause notice of such fact, together with a copy of the findings, to be given to the party or parties from whom the sample was obtained; and to the party, if any, whose name appears upon the label as manufacturer, packer, wholesaler, retailer, or other dealer, by registered mail. The receipt of the post office department for such registered notice shall be received as *prima facie* evidence that such notice has been given. The party, or parties, so notified, shall be given an opportunity to be heard under such rules and regulations as may be prescribed as aforesaid. Notices shall specify the date, hour and place of the hearing. The hearing shall be private, and the parties interested therein may appear in person or by attorney. If, after such hearing, the commissioner shall believe this Act has been violated, he shall cause the party, or parties whom he believes to be guilty, to be prosecuted forthwith, under the provisions of this Act. No action or prosecution shall be instituted against any person for a violation of the provisions of this Act unless the same shall have been commenced within ninety days from the taking of said sample.

SEC. 41. *Penalty.* Any person convicted of violating any of the provisions of the foregoing Act shall, for the first offense, be punished by a fine in a sum not less than fifteen (15) dollars, and not more than one hundred (100) dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment, in the discretion of the court, and for the second and each subsequent offense by a fine of not less than twenty-five (25) dollars and not more than two hundred (200) dollars, or by imprisonment in the county jail not exceeding one year, or both, in the discretion of the court; or the fine above may be sued for and recovered before any justice of the peace or any other court of competent jurisdiction in the county where the offense shall have been committed, at the instance of the State Food Commissioner or any other person in the name of the People of the State of Illinois as plaintiff and shall be recovered in an action of debt.

SEC. 42. *Payment of fines and costs.* When the rendition of the judgment imposes a fine as provided in any of the sections of this Act, it shall be the duty of the justice of the peace or other court rendering such judgment also to render a judgment for costs and such justice of the peace or other court shall forthwith issue a *capias* or warrant of commitment against the body of the defendant, commanding that unless the said fine and costs be forthwith paid the defendant shall be committed to the jail of the county and the constable or other officer, to whose hands said *capias* or warrant shall come, shall in default of such payment, arrest the defendant and commit him to the jail of the county, there to remain as provided in section 171 of "An Act to revise the law in relation to criminal jurisprudence," in force July 1, 1885, unless such fines and costs shall sooner be paid.

SEC. 43. *Repeal.* All Acts and parts of Acts inconsistent with this Act are hereby repealed: *Provided*, that nothing in this Act contained shall be construed as repealing the Act entitled, "An Act to regulate the manufacture and sale of substitutes for butter," approved June 14, 1897, in force July 1, 1897, or any part thereof.

ALCOHOLIC BEVERAGES.^a

SEC. 14. *Adulterated spirituous, malt or vinous liquors prohibited.* No person shall, within this State, by himself, his servant or agent, or as a servant or agent of any other person or corporation, manufacture, brew, distill, have or offer for sale, or sell any spirituous or fermented or malt liquor, containing any drug, substance or ingredient not healthful or not normally existing in said spirituous, fermented or malt liquor, or which may be deleterious or detrimental to health when such liquors are used as a beverage, and the following drugs, substances or ingredients shall be deemed to be not healthful and shall be deemed to be deleterious or detrimental to health when contained in such liquors, to-wit, *Coculus* ^b *indicus*, copperas, opium, cayenne pepper, picric acid, Indian hemp, strychnine, arsenic, tobacco, daniel seed, extract of logwood, salts of zinc, copper or lead, alum, methyl alcohol and its derivatives, and any extracts or compound of any of the above drugs, substances or ingredients and any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

Approved May 14, 1907. Laws of 1907, H. B. No. 844, p. 550.

BAKING POWDER.

SEC. 13. *Baking powder—how labeled.* No person by himself, his servant, or his agent, or as the servant of any other person, shall, *first*, make or manufacture baking powder or any other mixture or compound intended for use as baking powder; *second*, or sell, exchange, deliver, or offer for sale, or exchange such baking powder or any mixture or compound intended for use as baking powder, unless the same shall contain not less than ten per cent available carbon dioxide and unless the common names of all the ingredients be printed on the label.

Approved May 14, 1907. Laws of 1907. H. B. No. 844, p. 550.

CONFECTIONERY.

See General Food Law, page 56.

DAIRY PRODUCTS.^c

SEC. 16. *Sale of unclean or unwholesome milk for consumption and unsanitary containers prohibited.* No person, firm or corporation shall offer for sale, or sell to any person, firm or corporation, creamery or cheese factory, any unclean, unhealthful, unwholesome, or adulterated milk or cream, or any milk or cream which has not been well cooled or to which water or any other foreign substance has been added, or milk or cream which has been handled or transported in unclean or unsanitary vessels or containers: *Provided*, that nothing in this section shall be construed to prevent the sale of skim milk to factories engaged in the manufacture of skim milk products nor the sale of skim milk under the provisions of section 19 of this Act.

SEC. 17. *Persons receiving milk to wash cans.* Any person, firm or corporation who receives from any other person, firm or corporation, any milk or cream in cans, bottles or vessels which have been transported over any railroad, or

^a See also General Food Law, page 58.

^b So in Statutes.

^c See General Food Law for standards, page 61.

boat line, where such cans, bottles or vessels are to be returned, shall cause the said cans, bottles or vessels to be emptied before the said milk or cream contained therein shall become sour, and shall cause said cans, bottles or vessels to be immediately washed and thoroughly cleansed and aired.

SEC. 18. *Not to manufacture food from impure or unclean milk or cream.* No person, firm or corporation shall manufacture from unclean, impure, unhealthful or unwholesome milk, or from cream from the same, any article of food.

SEC. 19. *Skim milk; labels.* No person, firm or corporation shall sell, or expose for sale, or have in his possession with intent to sell, in any store or place of business, or on any wagon or other vehicle, used in transporting milk from which cream has been removed, any such milk or milk commonly called "skim milk" without first attaching to the can, vessel or other package containing said milk, a tag with the words "skim milk" printed on both sides of said tag in large letters, each letter being at least three-fourths of an inch high and one-half inch wide. Said tag shall be attached to the top or side of said can, vessel or package where it can be easily seen.

SEC. 20. *Instruments for measuring milk and cream; standards.* The State standard milk measure or pipettes shall have for milk a capacity of seventeen and six-tenths cubic centimeters, and the State standard test tube or bottles for milk shall have a capacity of two cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and ten on the graduated scale marked on the necks thereof. For cream, eighteen grams shall be used, and the standard test tubes or bottles for cream shall have a capacity of six cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and thirty on the graduated scale marked on the necks thereof, and it is hereby made a misdemeanor to use any other measure, pipette, test tube, or bottle to determine the per cent of butter fat where milk or cream is purchased by, or furnished to creameries or cheese factories, and where the value of said milk is determined by the per cent of butter fat contained in the same. Any manufacturer, merchant, dealer or agent in this State who shall offer for sale or sell a cream or milk pipette or measure, test tube or bottle which is not correctly marked or graduated, as herein provided, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in this Act.

SEC. 21. *Underreading prohibited.* It shall be unlawful for the owner, manager, agent or any employé of a creamery or cheese factory to manipulate or underread the Babcock test, or any other contrivance used for determining the quality or value of milk, or to falsify the record thereof, or to pay for such milk on the basis of any measurement except the true measurement as thereby determined.

SEC. 22. *Sale of preservatives prohibited.* No person, firm or corporation shall manufacture for sale, advertise, offer or expose for sale, or sell, any mixture or compound intended for use as a preservative or other adulterant of milk, cream, butter or cheese, nor shall he manufacture for sale, advertise, offer or expose for sale, or sell any unwholesome or injurious preservative or any mixture or compound thereof intended as a preservative of any food: *Provided, however,* that this section shall not apply to pure salt added to butter and cheese.

SEC. 23. *Vehicles to be marked.* Any person, firm or corporation, who shall in any of the cities, incorporated towns or villages of this State which contains a population of 5,000 or over, engage in or carry on a retail business in the sale or exchange of, or any retail traffic in milk or cream, shall have each and every carriage or vehicle from which the same is vended, conspicuously marked with the name of such vendor on both sides of such carriage or vehicle.

SEC. 27. *Process butter must be branded.* No person, firm or corporation, agent or employé shall manufacture for sale, sell, offer or expose for sale, in this State, any butter that is produced by taking original packing stock butter, or other butter, or both, and melting the same so that the butter fat can be drawn off or extracted, then mixing the said butter fat with skimmed milk, or milk or cream, or other milk product, and rechurning or reworking the said mixture, or that produced by any process that is commonly known as boiled, process or renovated butter, unless the same is branded or marked as provided in section 28 of this Act.

SEC. 28. *Process butter—how branded.* No person, firm or corporation, agent or employé shall sell, offer or expose for sale, or deliver to a purchaser, any boiled, process or renovated butter as defined in section 27 of this Act, unless the words "Renovated Butter" shall be plainly branded with Gothic or bold face letters at least three-fourths of an inch in length on the top and sides of each tub, or box, or pail, or other kind of case or package, or on the wrapper of prints or rolls or bulk packages in which it is put up. If such butter is exposed for sale uncovered, or not in a case or package, a placard containing the label so printed shall be attached to the mass of butter in such a manner as to be easily seen and read by the purchaser. The branding or marking of all packages shall be in the English language, and in a conspicuous place, so as to be easily seen and read by the purchaser.

Approved May 14, 1907. Laws of 1907. H. B. No. 844, pp. 550-553.

SEC. 1. *Sanitation of premises.* All buildings or rooms occupied by butterine and ice cream manufacturers shall be drained and plumbed in a manner conducive to the proper and healthful sanitary condition thereof, and shall be constructed with air shafts, windows and ventilating pipes sufficient to insure ventilation. The factory inspector shall direct the proper drainage, plumbing and ventilation of such rooms or buildings. No cellar or basement now used for the manufacture of butterine or ice cream shall be so occupied or used unless the proprietor shall comply with the sanitary provisions of this Act.

SEC. 2. *Sanitary appointments of factory.* Every room used for the manufacture of butterine and ice cream shall be at least eight feet in height, and shall have, if deemed necessary by the factory inspector, an impermeable floor, constructed of cement, or of tiles laid in cement, or an additional flooring of wood, properly saturated with linseed oil. The side walls of such room shall be plastered and wainscoted. The factory inspector may require the side walls and ceiling to be whitewashed at least once in three months. He may also require the woodwork of such walls to be painted. The furniture and utensils shall be so arranged as to be readily cleansed, and not prevent the proper cleaning of any part of the room. The manufactured butterine and ice cream shall be kept in dry and airy rooms, so arranged that the floors, shelves and all other facilities for storing the same can be properly cleansed. No domestic animal shall be allowed to remain in a room where butterine or ice cream is manufactured or stored, and no water closets or ash pit shall be within or connected with the rooms used in the manufacture of butterine or ice cream.

SEC. 3. *Manufacturer's certificate.* The State factory inspector shall cause such manufactories to be inspected. If it be found, upon such inspection, that the manufactories so inspected are constructed and conducted in compliance with the provisions of this Act, the factory inspector shall issue a certificate to the persons owning or conducting such manufactories.

SEC. 4. *Requirement of alterations.* If, in the opinion of the State factory inspector, alterations are required in or upon premises occupied and used as butterine and ice cream manufactories, in order to comply with the provisions of this Act, a written notice shall be served by him upon the owner, agent or lessee of such^a premises, either personally or by mail, requiring such alterations to be made within sixty days after such service, and such alterations shall be made accordingly.

SEC. 5. *Violation of this act a misdemeanor; fine.* Any person who violates any of the provisions of this Act, or refuses to comply with any of the requirements as provided herein, of the factory inspector or his deputy, who are hereby charged with the enforcement of this Act, shall be guilty of a misdemeanor, and, on conviction shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) for the second offense, or imprisonment for not more than thirty days, and for a third offense by a fine of not less than five hundred dollars (\$500.00) nor more than sixty (60) days imprisonment, or both.

Approved June 3, 1907. Laws of 1907, H. B. No. 684, pp. 309-310.

EXTRACTS.^b

SEC. 12. *Extracts to be labeled.* Extracts made of more than one principle shall be labeled in a conspicuous manner with the name of each principle, or else with name of the inferior or adulterant, and in all cases when an extract is labeled with two or more names, such names must be in a conspicuous place on said label, and in no instance shall such mixture be called imitation, artificial or compound, and the name of one of the articles used shall not be given greater prominence than another: *Provided*, that all extracts which can not be made from the fruit, berry, bean or other part of the plant, and must necessarily be made artificially, as raspberry, strawberry, etc., shall be labeled "imitation," in letters similar in size and immediately preceding the name of the article: *Provided, further*, that prepared cocoanut, containing other than cocoanut, sugar and glycerine, shall be labeled as prepared cocoanut, and when so made need not be labeled "compound" or "mixture."

Approved May 14, 1907. Laws of 1907, H. B. No. 844, p. 550.

LARD.

SEC. 24. *Illegal lard.* No person shall within this State, manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell, as lard, any substance not the legitimate and exclusive product of the fat of the hog.

SEC. 25. *Lard substitute.* No person shall manufacture for sale within this State, or have in his possession with intent to sell, offer or expose for sale, or sell as lard, or as a substitute for lard, or as an imitation of lard, any mixture or compound which is designed to take the place of lard and which is made from animal or vegetable oils or fats other than the fat of the hog, or any mixture or combination with any animal or vegetable oils or fats, unless the tierce, barrel, tub, pail, or package containing the same shall be distinctly and legibly branded or labeled with the name of the person, firm or corporation making the same, together with the location of the manufactory and the words "Lard Substitute," or "Adulterated Lard" or "compound," "imitation" or "blend,"

^a So in Statutes.

^b See also General Food Law for standards, page 61.

as the case may be, or unless the same shall be sold under its own distinctive name as provided for in section 9 of this Act.

SEC. 26. *Imitation or substitute for lard.* It shall be unlawful to sell or offer for sale any "lard substitute" or "adulterated lard" or "compound," "imitation" or "blend" as herein defined without informing the purchaser thereof, or the person or persons to whom the same is offered for sale, that the substance sold or offered for sale is "lard substitute" or "adulterated lard" or "compound," "imitation" or "blend" as the case may be.

Approved May 14, 1907. Laws of 1907, H. B. No. 844, pp. 552-553.

MEAT.

SEC. 1. *Examination of cattle.* For the purpose of preventing the use of meat or meat food products for human food which are unsound, unhealthful, unwholesome or otherwise unfit for human food, the board of live stock commissioners may, at their discretion, make or cause to be made, by the State veterinarian or his assistants, or any duly authorized live stock inspector in the employ of the State of Illinois, an examination of any animal intended for human food which he or they believe is afflicted with any contagious or infectious disease, or any disease or ailment which would render the carcass of said animal unfit for human food.

SEC. 2. *Condemned cattle to be confiscated and killed.* In event any animal shall be inspected by any person herein authorized to make said inspection, and in his judgment found to be afflicted with any disease or ailment which would render said animal unfit for human food, it shall be the duty of the person making said examination to forthwith take possession or control of said animal, and notify the owner or person or corporation in control or possession of such animal that such animal is unfit for human food: whereupon said animal shall immediately be killed and the carcass examined by some person or persons authorized to make inspection of such animals. If, upon examination of the carcass, it shall appear to the examiner that the same is suitable for human food, he shall allow the person or corporation from whom said animal was taken to make disposition of the carcass, or such examiner shall cause the same to be sold: but if, in the opinion of such inspector, any such carcass is unwholesome or unfit for human food, then the same shall be, by him stamped, marked, tagged or labeled "inspected and condemned," and every such condemned carcass shall be destroyed for the purposes of human food and such examiner shall cause the offal thereof to be sold: *Provided*, that if such carcass shall be disposed of for food purposes by such inspector and the offal sold, the proceeds thereof shall be accounted for as the board of live stock commissioners may provide.

SEC. 3. *Violation of this act a misdemeanor: penalty.* Any person, firm or corporation who shall, in any manner, fail, neglect or refuse to comply with any provision in this Act contained, shall be deemed guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or confined in the county jail not exceeding one year, or both.

Filed May 27, 1907. Laws of 1907, H. B. No. 341, pp. 7-8.

PRESERVATIVES.

See General Food Law, page 57.

SIRUPS.

See General Food Law, page 58.

VINEGAR.^a

SEC. 11. *Vinegar to be branded.* All vinegar made by fermentation and oxidation without the intervention of distillation, shall be branded with the name of the fruit or substance from which the same is made. All vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar", and shall not be colored in imitation of cider vinegar. All vinegar shall be made wholly from the fruit or grain from which it purports to be or is represented to be made, shall contain no foreign substance, and shall contain not less than four per cent, by weight, of absolute acetic acid.

Approved May 14, 1907. Laws of 1907, H. B. No. 844, p. 549.

^a See also General Food Law for standards, page 61.

INDIANA.

GENERAL FOOD LAWS.

SEC. 1. *Adulterated food or drugs unlawful; definition.* It shall be unlawful for any person, firm or corporation, within this State, to manufacture for sale within this State, offer for sale therein, or sell within this State, any drug or article of food which is adulterated or misbranded within the meaning of this act. The term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by men or other animals, whether simple, mixed or compound.

SEC. 2. *Adulteration defined.* For the purpose of this act an article shall be deemed as adulterated:

* * * * *

In case of food:

First. If any substance or substances have been mixed with it so as to reduce, or lower, or injuriously affect its quality or strength;

Second. If any substance has been substituted wholly or in part for the article;

Third. If any valuable constituent has been wholly or in part abstracted from it;

Fourth. If it consists in any proportion of a filthy, diseased, decomposed, putrid or rotten animal or vegetable substance, whether manufactured or not, or in the case of milk, if it is the product of a diseased animal;

Fifth. If it is mixed, colored, coated, polished, powdered or stained in a manner whereby damage or inferiority is concealed, or whereby it is made to appear better or of greater value than it really is;

Sixth. If it contains any added poisonous or other added deleterious ingredient;

Seventh. If it contains any added antiseptic or preservative substance except common table salt, saltpeter, cane sugar, vinegar, spices, or, in smoked food, the natural products of the smoking process, or other harmless preservatives whose use is authorized by the state board of health.

SEC. 5. *Definition of "misbranded."* The term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food and drugs, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the state, territory or country in which it is manufactured or produced. For the purpose of this act an article shall also be deemed to be misbranded: * * *

In the case of food:

First. If it be an imitation of or offered for sale under the distinctive name of another article;

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, phenacetine or antipyrine, or any derivative or preparation of any such substance or substances contained therein: *Provided*, That such statement shall not be required as to articles of food in the hands of wholesale or retail dealers on or prior to March 1, 1908;

Third. If in the package form, and the contents are stated in the terms of weight or measure, they are not plainly and correctly stated on the outside of the package;

Fourth. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, That the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *And, provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

SEC. 6. *Manufacturer's guarantee; liability of dealer.* No dealer shall be prosecuted under the provisions of this act for selling or offering for sale any article of food or drugs, as defined herein, when same is found to be adulterated or misbranded within the meaning of this act, in the original, unbroken package in which it was received by said dealer, when he can establish a guarantee, signed by the wholesaler, jobber, agent or other party residing in the United States from whom he purchased such article, or if a proper printed guarantee of the manufacturer with his address be upon the package or container, to the effect that the same is not adulterated or misbranded in the original unbroken package in which said article was received by said dealer, within the meaning of this act, designating it, or within the meaning of the food and drugs act, enacted by the Senate and House of Representatives of the United States of America in Congress assembled June 30th, 1906. Said guarantee to afford protection shall contain the name and address of the party or parties making the sale of such articles to such dealer, or of the manufacturer thereof as herein specified, and in such case said party or parties shall be amendable to the prosecution, fines and other penalties which would attach in due course to the dealer, under the provisions of this act.

SEC. 7. *Duties of State board of health; opposition a misdemeanor; fine.*

It shall be the duty of the State board of health to enforce the laws of the State governing food and drug adulteration, and the chemist of the State board of health appointed by said board shall be the State food and drug commissioner. The State board of health shall make all necessary investigations and inquiries in reference to the manufacture and sale of food and drugs, and for these purposes the State, county, city and town health officers shall be food and drug inspectors, subordinate to the State board of health. The State board of health shall adopt such rules as may be necessary to enforce this act, and shall adopt rules regulating minimum standards for food and drugs, defining specific adulteration and declaring the proper methods of collecting and examining drugs and articles of food, and the violation of said rules shall be punished, on conviction, as set forth in section 10 of this act. Every person offering or exposing for sale or delivering to a purchaser any drug or article of food included in the provisions of this act shall furnish to any inspector or other officer or agent appointed hereunder, who shall apply to him for the purpose and shall tender to him the value of the same, a sample sufficient for the purpose of the analysis of any such drug or article of food which is in his possession. Whoever hinders, obstructs or in any way interferes with any inspector, or other officer or agent appointed hereunder, in the performance of his duty, shall, upon conviction, be fined in any sum not exceeding \$100.

SEC. 8. *Expenditures of State board of health.* The sum of \$15,000 is hereby appropriated annually from the treasury of the State of Indiana to be expended by the State board of health for the purpose of meeting expenses incurred in the enforcement of this act, including the salaries of the state food and drug commissioner, chemists, inspectors, and clerks, the cost of collection of samples, purchase of laboratory supplies, aid in prosecuting offenders against this act, publication and distribution of bulletins and other expenses incident to the enforcement of this law, all payments to be paid out by certificate issued by the State board of health and attested by the secretary, and on presentation of said certificates the auditor of State shall draw his warrants for the amount certified on the State treasurer, who shall pay the same from the appropriation for the enforcement of this act, and the appropriation herein provided for shall be available at the taking effect of this act: *Provided, however,* That nothing herein contained shall be considered to repeal or in anywise affect the appropriations heretofore made for the establishment and maintenance of the State laboratory of hygiene, by an act of the general assembly entitled "An act to establish a State laboratory of hygiene, providing an appropriation for its establishment and maintenance, forbidding the teaching of adulteration, prescribing penalties, repealing all conflicting acts, and declaring an emergency," approved February 25, 1905.

SEC. 9. *Officers; salaries.* The State food and drug commissioner, who is also chemist to the State board of health, shall receive an annual salary of \$2,500 to be paid out by certificates issued by the State board of health and attested by the secretary, and on presentation of said certificates the auditor of State shall draw his warrant for the amount certified on the State treasurer, who shall pay the same from the appropriations for the enforcement of this act, which sum shall constitute the entire salary of said officer, both as State food and drug commissioner and chemist to the State board of health.

SEC. 10. *Violation of act; fines and imprisonment.* Except as elsewhere provided in this act, any person, persons, firm or corporation violating any of the provisions of this act, shall upon conviction for the first offense, be punished by a fine of not less than \$10.00 nor more than \$30.00; for the second offense, by a

fine of not less than \$25.00 nor more than \$100.00; and for the third and subsequent offenses, by a fine of \$100.00 and imprisonment in the county jail for not less than thirty nor more than ninety days.

SEC. 11. *Prosecution of persons violating the act.* Whenever the State board of health, the State food and drug commissioner or other authorized officer of the State board of health shall furnish evidence to district prosecutors, said prosecutors shall prosecute all persons violating any of the provisions of this act, and such cases may be brought before police judges or justices of the peace: *Provided*, That the powers and jurisdiction of such police judges and justices of the peace and the practice in such cases shall be the same as in other prosecutions before such officers for crimes and misdemeanors, who shall have jurisdiction to hear and determine actions arising for violation of the provisions of this act, and to hold for court or to impose the penalties imposed therein, subject to appeal as the law shall direct.

SEC. 12. *Effect.* An emergency exists for the immediate taking effect of this act; therefore, this act shall be in force from and after its passage.

SEC. 13. *Repeal.* All acts and parts of acts in conflict with the provisions of this statute are hereby repealed.

Approved March 4, 1907. Acts of 1907, ch. 104, pp. 153-160.

MEAT, ETC.

SEC. 4. *Sanitation of slaughter houses, etc.; confiscation of meat and eggs.* It shall be unlawful for any person or persons, firm or corporation, to sell within this state or to have in his or their possession to sell within this state for human food, the carcass or parts of carcasses of any animal which has been slaughtered, prepared, handled or kept under unsanitary conditions; and unsanitary conditions shall be deemed to exist wherever and whenever any one or more of the following conditions appear or are found, to wit: If the slaughter house is dilapidated and in a state of decay, if the floors or side walls are soaked with decaying blood or other animal matter, if efficient fly screens are not provided, if the drainage of the slaughter house or slaughter house yard is not efficient, if maggots or filthy pools or hog wallows exist in the slaughter house yard or under the slaughter house; if the water supply used in connection with the cleansing or preparing is not pure and unpolluted; if hogs are kept in the slaughter house yard or fed therein on animal offal, or if the odors of putrefaction^a plainly exist therein; if carcasses or parts of carcasses are transported from place to place when not covered with clean white cloths, or if kept in unclean, bad smelling refrigerators, or if kept in unclean or bad smelling cold storage rooms. It shall be unlawful for any person, firm or corporation to sell or offer for sale any eggs, after the same have been placed in an incubator, or to sell or offer for sale, knowingly, eggs in a rotten, decayed or decaying condition to be used for food. It shall be the duty of all peace and all health officers to seize any animal carcass or parts of carcasses, or any domestic or wild fowl, eggs, game or fish found to be unwholesome and which are intended for sale or offered for sale for human food or which have been slaughtered and prepared, handled or kept under unsanitary conditions as herein defined, and shall deliver the same forthwith to and before the nearest police judge or justice of the peace, together with all information obtained, and said police judge or said justice of the peace shall issue warrants of arrest for all persons believed to have violated the provisions of this section, and said cause shall be tried at an early date thereafter. Any

^a So in Statutes.

person, persons, firm or corporation found guilty of violating any of the provisions of this section shall be fined not less than ten nor more than one hundred dollars for each offense, and the meat in question shall be drenched with kerosene oil or rendered into grease and tankage as the court may direct.

Approved March 4, 1907. Acts of 1907, ch. 104, p. 155.

MILK.

SEC. 3. *Adulterated milk prohibited; definition.* No person either by his servant or agent, or as the servant or agent of another person, shall sell, exchange or deliver, or have in his custody or possession with intent to sell, exchange or deliver, expose or offer for sale or exchange, adulterated milk or milk to which water or any foreign substance has been added, or milk produced from cows which have been fed on the refuse of distilleries, or from sick or diseased cows, or as pure, milk from which the cream or a part thereof has been removed, or milk which is not of standard quality, or milk collected and kept or handled under conditions which are not cleanly and sanitary, or milk containing less than eight and one-half per cent. of milk solids exclusive of fat, and 3.25 per cent. of milk fat, or milk which contains any added color or preservative: *Provided, however,* "refuse of distilleries" shall not be construed to mean or apply to dried distillers' grains in sound condition.

Approved March 4, 1907. Acts of 1907, ch. 104, p. 154.

VINEGAR.

SEC. 545. *Standard; brand of maker.* All vinegars shall have an acidity equivalent to the presence of not less than four percentum by weight of acetic acid, and in case of cider vinegar shall in addition contain not less than 1.6 percentum by weight of cider vinegar solids upon full evaporation over boiling water, and if any vinegar contain less than the above amount of acidity, or in the case of cider vinegar if it contain less than the above named amount of acidity and of cider solids, it shall be deemed to be adulterated. Every person making or manufacturing cider vinegar who is not a domestic manufacturer for his own use thereof, shall brand on each keg, barrel or bottle containing such vinegar the name and residence of such manufacturer, the date when the same was manufactured, and the words "cider vinegar." No vinegar shall be branded fruit vinegar unless the same shall be made from apples, grapes or other fruit. Whoever violates any of the provisions of this section shall be fined for each such offense not less than ten dollars.—*As amended March 9, 1907; Acts of 1907, ch. 165, p. 262. See Bul. 69, Rev., Pt. II, p. 179.*

Laws of 1905, ch. 169, p. 712.

RULES FOR THE ENFORCEMENT OF THE PURE FOOD AND DRUG LAW.

[Passed March 15, 1907, by the Indiana State Board of Health.]

The pure food and drug law, approved March 4, 1907, makes it the duty of the State board of health to enforce "the laws of the State governing food and drug adulteration," and makes "the chemist of the State board of health appointed by said board. * * * the State food and drug commissioner." The authority of the State board for making rules is found in section 7 of the pure food and drug law as follows: "The State board of health shall adopt such rules as may be necessary to enforce this act, and shall adopt rules regulating minimum standards for food and drugs, defining specific adulteration and de-

clarifying the proper methods of collecting and examining drugs and articles of food." The same section provides that: "The violation of said rules shall be punished, on conviction, as set forth in section 10 of this act."

In accordance with the authority above cited, the State board of health on March 15, 1907, adopted the following rules for the enforcement of the pure food and drug act and regulating minimum standards for food and drugs.

These rulings furnish a definite basis for work in the enforcement of the "pure food and drug law," and are intended to anticipate any question as to the attitude of the State board of health in regard to the application of the law to particular articles of food, and will be followed in the enforcement of the law.

The definitions and standards adopted are generally those established as official for the United States by the Secretary of Agriculture by authority of an act of Congress approved June 3, 1902; or the standards as given in the latest edition of the United States Pharmacopoeia or National Formulary, or after thorough investigation and trial adopted by many of the States.

EXPLANATORY DEFINITIONS.

1. The manufacturing for sale, offering for sale, or having in one's possession to sell, within the State of Indiana, of any adulterated or misbranded drug or article of food, is unlawful.

2. The term "food," as used herein, includes all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compounded.

4. An article shall be deemed to be adulterated within the meaning of section 2 of the general food law. * * *

B—In case of food.

First. If any substance or substances have been mixed with it so as to reduce, or lower, or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent has been wholly or in part abstracted from it.

Fourth. If it consists in any proportion of a filthy, diseased, decomposed, putrid, or rotten animal or vegetable substance, whether manufactured or not, or in the case of milk, if it is the product of a diseased animal.

Fifth. If it is mixed, colored, coated, polished, powdered, or strained in a manner whereby damage or inferiority is concealed, or whereby it is made to appear better or of greater value than it really is.

Sixth. If it contains any added poisonous or other added deleterious ingredient.

Seventh. If it contains any added antiseptic or preservative substance except common table salt, saltpeter, cane sugar, vinegar, spices or in smoked food, the natural products of the smoking process, or other harmless preservatives whose use is authorized by the State board of health.

RULES.

RULE 1. *Short title of the act.* The act entitled "An act forbidding the manufacture, sale, or offering for sale of any adulterated or misbranded foods or drugs, defining foods and drugs, stating wherein adulteration and misbranding of foods and drugs consist, and defining the duties of the State board of health in relation to foods and drugs, their inspection, purity, and misbranding, regulating the slaughter of animals and their preparation for food, providing an

appropriation for enforcement, providing for the appointment of a State food and drug commissioner, declaring penalties for the violation of the laws, rules, and ordinances concerning foods and drugs, repealing acts in conflict therewith, and declaring an emergency," signed March 4, 1907, shall be known and referred to as "The Indiana pure food and drug law."

RULE 2. *Enforcement.* The enforcement of the law is made the duty of the State board of health through its chemist, who is the State food and drug commissioner. The State, county, and town health officers are food and drug inspectors, together with the deputy State health officers, subordinate to the State board of health, and are authorized agents of the board for the enforcement of the law.

RULE 3. *Duty of inspectors.* It shall be the duty of the deputy State health officers and food and drug inspectors:

1. To collect samples of foods and drugs for examination and analysis.
2. To inspect dairies, creameries, cheese factories, and other places where milk products are made and prepared.
3. To inspect stock yards, abattoirs, and slaughterhouses where animals are kept for slaughter, slaughtered and prepared for market.
4. To inspect canning factories, confectioners' factories, pickling factories, sirup refineries, bottling works, breweries, drug manufactories, and other places where foods and drugs are made and prepared.
5. To inspect grocery stores, meat markets, fish markets, drug stores, and all other places dealing in or selling food and drugs.
6. To inspect bakeries, bake shops, and other places where bread, cake, pastries, confections, and similar products are prepared for sale.
7. To inspect restaurants, hotels, and other public places where food is prepared and sold.
8. To confer with health and sanitary officers in regard to the proper enforcement of the pure food and drug laws.
9. To assist local officials in the prosecution of violations of the food and drug laws.

The State food and drug inspectors shall make daily reports to the State food and drug commissioner, and shall receive all orders from him pertaining to food and drugs.

It shall be the further duty of the deputy State health officers and food and drug inspectors to inspect the conditions of each county and city and town health office and to make correct reports to the secretary of the board each day of any conditions found to exist.

Inspectors shall conduct their examinations quietly and in such a manner that no unnecessary antagonism will be aroused against their work. They will remember always that it is the policy of the board of health to cooperate with manufacturers, wholesalers, and retailers in securing pure goods.

Collection of Samples. Inspectors shall make collections of food and drug samples in the following manner:

Samples of food and drugs shall be purchased and paid for, and whenever possible, a receipt shall be obtained from the dealer, and numbered to correspond with the number placed on the sample.

When possible all samples of food and drugs shall be original packages, and when impossible, as in the case of cheese, milk, butter, bulk spices, vinegar, bulk chemicals, extracts, syrups, tinctures, etc., samples shall be placed in suitable packages or containers and properly marked and labeled.

The quantity of bulk goods shall not be less than six ounces, and all liquids not less than one pint, except where the character of the sample is such that only a small quantity is required for examination and analysis.

In collecting samples of foods and drugs duplicate, sealed samples will be left with the dealer if he so requests.

Samples of liquids, bulk goods, such as vinegar, milk, molasses, flour, sugar, etc., shall be securely sealed before they leave the hands of the collector, and preferably in the presence of the dealer.

At the time of the collection the sample shall be given a serial number known as the "Inspector's collection number." This serial number will be noted in the inspector's blanks together with the name of manufacturer, retailer, town, county, brand, date of collection and such other information as may be necessary to identify the sample. This data shall be kept in duplicate and each day copies of the descriptions of all samples collected shall be forwarded to the State Food and Drug Commissioner. The original copy will remain in the possession of the inspector to be used by him in conducting prosecutions.

Samples shall be brought to the laboratory and placed by the inspector in a case suitably provided with lock and two keys, one key is to be retained by the inspector, the other is deposited with the State Food and Drug Commissioner. When samples can not be brought to the laboratory by the inspector, they may be shipped by express to the State Food and Drug Commissioner as often as may be necessary. The box containing the samples shall be sealed and receipts for the same from the express companies retained by the inspector.

Inspectors while traveling in parts of the state from which they are unable to return to their home at night, will be allowed reasonable hotel bills.

Inspectors will be allowed car fare to the extent of the smallest fare between points, and necessary livery and express bills.

Inspectors shall keep an accurate account of their expenses and shall return vouchers or receipts for same at the end of the week, and no expense incurred by inspectors will be allowed unless accompanied by properly signed vouchers or receipts. Vouchers or receipts will not be required for railroad fare.

RULE 4. *Methods of analysis.* Unless otherwise directed by the State Food and Drug Commissioner, the methods of analysis employed shall be those prescribed by the Association of Official Agricultural Chemists and the U. S. Pharmacopoeia.

RULE 5. *Procedure in case of violation of the law.* Whenever upon analysis or examination it appears that samples of food or drugs are adulterated in violation of the Pure Food and Drug Law, the State Food and Drug Commissioner or other authorized officers of the State Board of Health, shall furnish evidence to district prosecutors, who will proceed according to the commands of the act as set forth in section 11 of the law.

Whenever upon inspection a dairy, abattoir, slaughterhouse, bakery or other place of manufacture of food or drug products is found to be uncleanly or otherwise conducted in an unwholesome or unsanitary manner, the inspector shall at once report such findings to the state health officer and said inspectors shall direct the manufacturers, owners or operators of such dairies, abattoirs, slaughterhouses, bakeries, etc., to make within a specified time the changes necessary to comply with the statutes and the rules of the State Board of Health concerning the same.

RULE 6. *Hearings.* Whenever the owner, proprietor or agent of any firm or corporation engaged in the manufacture and sale of food or drug products shall have been notified by an inspector of the State Board of Health that his place of business is not conducted in accordance with the law and the rules of the State Board of Health, he may within five days from the date of said notice, make a written plea to the secretary of the State Board of Health, asking that a hearing be given him at the office of the state board, and at the time appointed he may appear to give reasons why the conditions noted by the in-

spector existed, and why he should not comply with the order of the state inspector or be prosecuted; the said hearing to be before the secretary of the State Board and the State Food and Drug Commissioner.

RULE 7. *Publication.* The State Food and Drug Commissioner shall from time to time publish in the monthly Bulletin of the Indiana State Board of Health or in such other manner as may be approved by the secretary of the board, reports of the operations of the food and drug law. Such reports may include the results of analyses of samples collected by the food and drug inspectors, statements as to the condition of dairies, abattoirs, slaughterhouses, bakeries, drug stores and other food and drug manufacturing establishments, records of legal proceedings instituted against violators of the food and drug law, and such other matters as may be of value and interest to dealers in food products and to the public.

RULE 8. *Guaranty.* The provisions of section 6 of the Pure Food and Drug Law shall be observed by inspectors whenever the goods purchased or examined are in an original, unbroken package. The term "Original, unbroken package" as used in this act, is the original package, carton, case, can, box, barrel, bottle, phial, or other receptacle put up by the manufacturer, to which the label is attached, or which may be suitable for the attachment of a label making one complete package of the food or drug article. The original package contemplated includes both the wholesale and the retail package.

ADULTERATION.

RULE 9. *Substances mixed with foods.* No substance may be mixed with a food product that will lower or reduce its strength. Substances properly used in the preparation of food products for the purpose of clarifying or refining and eliminated in a further process of manufacture, are not included under this provision. The sale of spices containing inert and foreign materials such as cereals, ground olive stones, cocoanut shells, etc., is prohibited.

RULE 10. *Coloring, powdering, coating and staining.* 1. Only harmless colors may be used in food products, and then only when the use of such colors does not make the article appear better or of greater value than it really is.

2. The reduction of a substance to a powder to conceal inferiority in character is prohibited.

3. The term "powdered" means the application of any powdered substance to the exterior portion of articles of food, or the reduction of a substance to a powder.

4. The term "coated" means the application of any substance to the exterior portion of a food product.

5. The term "stained" includes any change produced by the addition of any substance to the exterior portion of foods which in any way alters their natural tint.

RULE 11. *Natural, poisonous or deleterious ingredients.* Any food product which contains naturally a poisonous or deleterious ingredient does not come within the provisions of the Pure Food and Drug Law, except when the presence of such ingredient is due to filth, putrescence or decomposition.

RULE 12. *Preservatives.* The presence of any added antiseptic or preservative substance, except common table salt, saltpeter, cane sugar, vinegar, spices, or, in smoked food, the natural product of the smoking process, constitutes an adulteration. The use of salicylic acid, benzoic acid, boric acid, hydrofluoric acid, sulphurous acid, and compounds or salts of these acids; formaldehyde or formalin and the various mixtures known to the trade as "freezine," "iceine," "formol," "preservalines" of various kinds, saccharine, betanaphthol or any

other preservatives or their compounds injurious to health is prohibited: Provided, however, That until further notice benzoate of soda may be employed in quantities not to exceed one-tenth of 1% for the preservation of tomato catsup. A statement to the effect that benzoate of soda is used must be plainly printed upon the principal label.

RULE 13. *Dyes and coloring matter.* The use of dyes and coloring matter in food products is prohibited wherever such dye or color is used for the purpose of making the product appear better or of greater value than it really is, or of counterfeiting the appearance of natural food products. This regulation does not prohibit the use of harmless dye colors in confectionery, iceings, dessert preparations, etc., nor of color used in butter and cheese manufacture. Dyes and coloring matter shall not be used in preparation of meat products, such as sausage, minced meats, etc., where the color is incorporated with the product in the process of manufacture. The practice of dipping sausage for the purpose of imparting a color to the casing only, is not prohibited.

RULE 14. *Character of raw material.* The raw material used in the manufacture of food and drug products shall be sound, wholesome and free from decomposition. The meat products shall be sound, wholesome and fit for human food, and shall be made from sound and healthy animals slaughtered and prepared in accordance with section 4 of the Pure Food and Drug Law. Carcasses of animals too immature to produce wholesome meat, of unborn and stillborn animals, carcasses of pigs, kids and lambs under three weeks of age, and of calves less than four weeks of age, shall be condemned as unsuitable for food. Carcasses of animals in advanced stages of pregnancy, also carcasses of animals which have within 10 days given birth to young, and in which there is no evidence of septic poisoning may be rendered into lard or tallow if so desired, otherwise they shall be condemned as unsuitable for food. All animals that die in abattoirs pens and those in a dying condition before slaughtering shall not be used as food. In enforcing the provisions of the Pure Food Law in relation to meat and meat products, inspectors will follow the regulations laid down for the instructions of inspectors of the Bureau of Animal Industry of the U. S. Department of Agriculture.

MISBRANDING.

RULE 15. *Labeling.* (a) The term "label" applies to any printed, pictorial, or other matter upon or attached to any package of a food or drug product, or any container thereof.

(b) The principal label shall consist, first, of all words which the food and drug act, June 30, 1906, specifically requires, to wit, the name of the substance or product; the name of place of manufacture in the case of food compounds or mixtures; words which show that the articles are compounds, mixtures, or blends; the words "compound," "mixture," or "blend;" or words designating the substances or their derivatives and proportions required to be named in the case of drugs and foods. All these required words shall appear upon the principal label with no intervening descriptive or explanatory reading matter. Second, if the name of the manufacturer and place of manufacture are given, they shall also appear upon the principal label. Third, elsewhere upon the principal label other matter may appear in the discretion of the manufacturer.

(c) The principal label on foods or drugs for domestic commerce shall be printed in English (except as provided in Regulation 19), with or without the foreign label in the language of the country where the food or drug product is produced or manufactured. The size of type shall not be smaller than 8-point

(brevier) caps: Provided. That in case the size of the package will not permit the use of 8-point cap type the size of the type may be reduced proportionately.

(d) The form, character, and appearance of the labels, except as provided above, are left to the judgment of the manufacturer.

(e) Descriptive matter upon the label shall be free from any statement, design, or device regarding the article or the ingredients or substances contained therein, or quality thereof, or place of origin, which is false or misleading in any particular.

(f) An article containing more than one food product or active medicinal agent is misbranded if named after a single constituent.

In the case of drugs the nomenclature employed by the United States Pharmacopoeia and the National Formulary shall obtain.

(g) The term "design" or "device" applies to pictorial matter of every description, and to abbreviations, characters, or signs for weights, measures, or names of substances.

(h) The use of any false or misleading statement, design, or device shall not be justified by any statement given as the opinion of an expert or other person, appearing on any part of the label, nor by any descriptive matter explaining the use of the false or misleading statement, design, or device.

SANITARY CONDITIONS.

RULE 16. Dairies. Section 3 of the Pure Food and Drug Law provides that milk shall not be sold, exchanged or delivered that is adulterated by the addition of water, color, preservatives or other foreign substances. Milk from which the cream or a part thereof has been removed; or milk kept and handled under conditions which are not sanitary shall be considered to be adulterated. Inspectors shall note the following conditions as defining cleanly and sanitary conditions.

The buildings. Buildings used for cowstables, dairies and milk rooms shall be well ventilated, properly lighted and provided with floors of plank, cement or other material which can be thoroughly washed and cleaned. The stables and milk room shall be kept reasonably well painted or whitewashed. The premises must be at all times clean and free from rubbish, standing water and any offensive material. Horses, hogs and poultry shall not be kept in cowstables.

The employees. No person suffering with any contagious or infectious disease or who has been exposed shall be employed about the dairy, or in milking or handling the milk or milk utensils. Employees handling milk and milk utensils must be cleanly in their habits, and the garments worn by such employees shall be kept in a clean condition.

The milk. Milk shall not be drawn from the udder until the same has been properly cleaned by brushing or washing. The milk shall not be kept for sale or stored in any room used for sleeping or domestic purposes. No milk bottle or other container (when taken from the consumer's residence) shall be refilled until it has been returned to the dairy or milk depot and thoroughly cleaned and sterilized. Milk shall be taken from the stable as soon as drawn, cooled immediately, and kept thereafter until delivered at a temperature not exceeding 60 degrees, Fahr.

Bakeries. (1) The floors, side-walls, ceilings, fixtures, furniture and utensils of every establishment or place where food products are manufactured or stored, shall at all times be kept in a clean, healthful and sanitary condition.

The side-walls and ceilings of every bake room or confectionery shall be well plastered, wainscoted or ceiled with metal or lumber. Plastered walls and ceilings shall be oil painted or kept well lime washed and all interior woodwork

in every bakery or confectionery shall be kept well oiled or painted with oil paint and kept washed clean with soap and water. And every building, room, basement, or cellar occupied or used for the manufacture of any food products shall have, if deemed necessary by the State Health Officer, an impermeable floor made of cement or tile laid in cement.

(2) The sleeping place or places for the persons employed in a bake-shop shall be separate and apart from the bake room; and no persons shall be allowed to sleep in a bake room or place where flour or meal or the products thereof are stored. No domestic animal except cats shall be permitted to remain in a bake room or place used for the storage of flour or meal food products.

(3) No employer shall knowingly require, permit or suffer any person to work in a bakery or confectionery who is affected with consumption of the lungs, or with scrofula, or with any venereal disease or with any communicable skin disease. Cuspidors shall be provided by the owner or operator for each workroom of every bakery or confectionery, and no employe or other person shall expectorate on the floor or side-walls of any bakery or confectionery or place where the manufacture of any food product is conducted. Plain notices shall be posted in every place where food-products of any kind are produced forbidding all persons expectorating on the floors of such establishment.

(4) The door and window openings of every food-producing establishment during fly season shall be fitted with self-closing wire screen doors and top outward-tipping wire window screens.

(5) Every bakery and confectionery shall be provided with wash-room and water-closet or closets but separate and apart from the bake room or rooms where the manufacture of any food product is conducted.

Abattoirs and slaughterhouses. Inspectors of abattoirs and slaughterhouses shall determine unsanitary conditions as provided and defined in Section 4 of the Pure Food and Drug Law.

Groceries and meat markets. Inspectors of groceries and meat markets shall be guided by the following conditions: Sanitary conditions shall exist in groceries and meat markets: When the floors are clean and free from litter and accumulated dirt: when the side walls and ceilings are free from cobwebs, dust and accumulated dirt; when the counters, shelves, drawers and bins are clean and free from foreign odors; when the refrigerators, iceboxes, meat boxes, etc., are well ventilated and free from foul and unpleasant odors, fungus growths, mold and slime. Meat, fruit, vegetables, bread and pastry shall not be wrapped in newspapers or other unclean papers. Doors and windows shall be provided with efficient screens during the season for flies, and meats exposed for sale shall be protected from flies and dust. Backshops and cellars must be kept clean and well ventilated and lighted. Persons suffering from cancer or any contagious or infectious disease or who have been exposed to a quarantinable disease, shall not be employed in groceries, dairies, meat markets or other places where foods and drugs are offered for sale. Cats, dogs or other animals shall not be allowed on shelves or counters or other places where food products are kept or stored. Meats shall not be exposed for sale outside the places of business unless protected from dust and insects by suitable covering.

Hotels and restaurants. Inspectors of hotels and restaurants shall be governed by the following conditions:

Sanitary conditions shall exist in hotels and restaurant kitchens and dining rooms, ice cream parlors, lunch carts and other places where food is prepared and served, and when the floors are clean and free from litter and accumulated dirt; when the side-walls and ceiling are free from cobwebs and accumulated

dirt; when the counters, tables, shelves and sinks, drawers, bins and cabinets are clean; when refrigerators, iceboxes and cold storage rooms are free from foul and unpleasant odors, mold and slime; when the doors and windows are properly screened; when dining rooms and kitchens are well lighted and ventilated. Dishes, tableware and kitchen utensils must be washed and rinsed in clean water after using; food served to customers and then returned to the kitchen or serving room must not again be served; all garbage must be removed daily. Back shops, backyards and cellars must be kept clean and free from rubbish. Cellars, unless properly arranged, well lighted and ventilated, and free from moisture, must not be used for the storage of prepared foods unless such food is in glass, tin or other air-tight container. Spittoons must not be used in the dining room or other places where food is served. Toilets for employees shall not be located in rooms used for preparing or for storing food. Persons suffering from cancer or any contagious or infectious disease or who have been exposed to a quarantinable disease shall not be employed in any restaurant, hotel or other place where food is served.

NOTICE TO MANUFACTURERS, DEALERS, VENDERS AND OTHER PERSONS ENGAGED IN THE SALE OF FOOD.

In accordance with a rule of the State board of health, made by them on the 12th day of July, 1907, relative to the sale of unprotected food products, and reading as follows:

RULE.—No manufacturer, dealer, vender, or other person shall expose for sale or exchange, or sell any bread, pastry, confectionery, shelled nuts, or other food so prepared that it is ready for consumption, unless such food is properly protected from insects, dust, dirt, and other foreign or unwholesome material by suitable covering.

Therefore you are hereby notified to refrain from selling bread, pastry, confectionery, shelled nuts, or other food prepared for consumption unless such food is properly protected from dust, dirt, and other foreign or unwholesome material by suitable covering of glass, wood, or metal.

The violation of this order is punishable by a fine of \$10.

H. E. BARNARD,
State Food and Drug Commissioner.

NOTICE TO CANNERS AND PACKERS.

SEPTEMBER 12, 1907.

The new food and drug law of the State of Indiana follows closely the lines of the Federal law, and in its enforcement the same rules and regulations will be observed that have been made by the Department of Agriculture.

The use of saccharin, dulcin, sucrol, garantose, Heyden sugar crystals, glucin, or any of the coal-tar sweeteners is prohibited.

The use of sulphurous acid or any of its salts, either as a bleach or preservative, is prohibited.

The use of any antiseptic or preservative substances except salt, saltpeter, sucrose, vinegar, and spices, is prohibited, except that not to exceed one tenth of 1 per cent of benzoate of soda may for the present season be used in packing tomato catsup and bulk sweet pickles.

The use of starch or other filler is prohibited.

The use of artificial coloring or bleach is prohibited.

No filthy, decomposed, or rotten vegetable substances shall be used in the manufacture of tomato catsup or any other product.

Factories shall be well lighted and ventilated, provided with water-closets separate from rooms in which food is prepared, and with suitable washing facilities.

Floors shall be made of cement or solid plank so laid that they may be flushed with water at the end of each day. False or loose floors shall not be allowed, unless laid over cement.

No water or waste material shall be allowed to accumulate under or about any factory, and all by-products subject to fermentation shall be removed from the factory and surroundings without unnecessary delay.

The employment of persons suffering from cancer, tuberculosis, syphilis, or any contagious or infectious disease, or whose hands have sores upon them, is prohibited.

Proprietors of canneries and packing houses shall prohibit spitting upon floors, and shall require employees to wash their hands after going to the closet and before returning to work. Notices shall be posted in all canneries and packing houses to the above effect.

H. E. BARNARD,
State Food and Drug Commissioner.

In force as law.

NOTICE TO BOTTLERS OF SUMMER DRINKS.

The use of saccharin, dulcin, sucrol, garantose, Heyden sugar crystals, glucin, or any other coal-tar sweeteners in ginger ale, bottled soda, pop, cider, fruit juices, or any other preparations intended to be used as food or drink, is prohibited.

These sugar substitutes, though several hundred times as sweet as sugar, possess no food value, and their use constitutes a deception and a fraud upon the consumer.

H. E. BARNARD,
State Food and Drug Commissioner.

MAY 8, 1907.

IOWA.

GENERAL FOOD LAWS.

SEC. 7. *Terms "commissioner," "food," and "misbranded" defined.* The word "commissioner," whenever used in this act, shall be taken to mean the state food and dairy commissioner herein provided for. The word "food," as herein used, shall include all articles used for food, drink, confectionery or condiment, by man or domestic animals, whether simple, mixed or compound. The term "Misbranded" as used herein shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food product which is falsely branded as to the state, territory, or country in which it is manufactured or produced, or which bears any statement of the weight or measure unless the same be a correct statement of the net weight or measure of the contents.—*As amended February 12, 1907; Acts and Resolutions 32 G. A. 1907, ch. 177, p. 178. See Bul. 104, p. 22.*

Approved February 26, 1906. Laws of Iowa, 31 G. A. 1906, ch. 166, pp. 115-118.

SEC. 8. *Adulteration defined.* For the purpose of this act, an article of food shall be deemed to be adulterated:

* * * * *

Fourth. If it be an imitation of, or offered for sale, under the specific name of another article, or if it does not conform to the standards established by law.

* * * * *

Eighth. Provided, that an article of food which does not contain any added poisonous or deleterious ingredient shall not be deemed to be adulterated in the following cases:

1. *Color.* In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food and under their own distinctive names and not included in definition fourth of this section; provided, that candies and chocolates shall be deemed to be adulterated if they contain terra alba, barytes, talc, chrome yellow, or other mineral substances, or poisonous colors or flavors, or other ingredients deleterious or detrimental to health; provided, that vinegar shall be deemed to be adulterated if it contains any added coloring matter; provided, that in case of baking powders, each can or package shall be plainly labeled so as to show the name of each and every ingredient contained therein.—*As amended April 13, 1907; Acts and Resolutions, 32 G. A., 1907, ch. 178, p. 179. See Bul. 104, pp. 22-23.*

2. *Mixtures.* In the case of articles labeled, branded or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations or

blends, provided that the same shall be labeled, branded or tagged, so as to show the exact character and the name and quantity or proportion of each constituent thereof; and provided further, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or imitation.—*As amended February 12, 1907; Acts and Resolutions, 32 G. A., 1907, ch. 177, p. 178. See Bul. 69, Rev., Pt. II, p. 23.*

SEC. 9. *Labels.* Labels required by this act shall be distinctly printed in the English language in legible type no smaller than eight point heavy gothic caps and shall give, in continuous list with no intervening printed or descriptive matter, the true and correct names of all the constituents of such mixture, compound, combination, imitation or blend, and if artificially colored or preserved, the name of each and every such added substance shall be plainly stated on the label. Such label shall be placed upon the outside of the package and shall contain the name and address of the manufacturer, packer or dealer. There shall be such a contrast between the color of the label and the color of the ink used in printing the label as heretofore provided, that the label shall be easily and plainly legible.—*As amended April 13, 1907. Acts and Resolutions 32 G. A., 1907, ch. 178, p. 179. See Bul. 104, p. 23.*

Approved February 26, 1906. Laws of Iowa, 31 G. A. 1906, ch. 166, pp. 115–118.

SEC. 13. *Appropriations.* For the purpose of enabling the commissioner to enforce the provisions of this act, for the compensation and expenses of assistants and experts, for necessary traveling and miscellaneous expenses, and for all other expenses herein provided, the sum of fifteen thousand dollars (\$15,000) annually, or so much thereof as may be necessary, is hereby appropriated from the treasury not otherwise appropriated.—*As amended April 4, 1907. Acts and Resolutions 32 G. A. 1907, ch. 179, p. 181. See Bul. 104, p. 24.*

Approved February 26, 1906. Laws of Iowa, 31 G. A. 1906, ch. 166, pp. 115–118.

SEC. 14. *Exemption.* All goods purchased or received by either wholesale or retail dealers of this state prior to July first, nineteen hundred and six (1906), shall be exempt from the provisions of this act to July first, nineteen hundred and seven (1907), except that canned corn so purchased or received shall be exempt from the provisions of this act to January first, nineteen hundred and eight (1908).—*As amended March 28, 1907, Acts and Resolutions 32 G. A. 1907, ch. 180, p. 182. See Bul. 104, p. 24.*

Approved February 26, 1906. Laws of Iowa, 31 G. A., 1906, ch. 166, pp. 115–118.

DAIRY PRODUCTS.

2515. *Dairy commissioner; milk tests; records.* On or before the first day of April of each even-numbered year the governor shall appoint a dairy commissioner, who shall have a practical knowledge of and experience in the manufacture of dairy products, and hold his office for two years from the first day of May following his appointment, and until his successor is appointed and qualified, subject to removal by the governor for inefficiency, neglect, or violation of duty. He shall give bond in the sum of ten thousand dollars, conditioned for the faithful performance of his duties, with sureties to be approved

by and filed with the secretary of State. He shall keep on hand a supply of standard test tubes or bottles and milk measures or pipettes adapted for use by each milk-testing machine, the manufacturers or dealers of which have filed with the dairy commissioner a certificate from the director of the Iowa agricultural experiment station, which shall certify that said milk-testing machine, when properly and correctly operated, will produce accurate measurements of butter fat, and furnish to any person or corporation desiring the same for testing milk one such tube or bottle, and such milk measure or pipette for each factory, of the kind adapted for the machine operated therein, upon request therefor, certifying it to be accurate, reliable and standard, placing thereon the letters "D. C." as a permanent mark, the tubes or bottles and pipettes to be furnished at the actual cost thereof. He shall have and keep an office in the capitol, and preserve therein all correspondence, documents, records, and property of the State pertaining thereto, and may, when necessary, employ an office deputy at a salary of fourteen hundred dollars per year; the dairy commissioner may also appoint, upon the recommendation of the president of the Iowa State college of agriculture and mechanic arts, the director of the Iowa experiment station and the professor of dairying, two assistants, who shall perform such duties as may be assigned to them by the dairy commissioner, and who shall receive a salary of fourteen hundred dollars per year, and said deputy and assistant of the dairy commissioner shall be allowed, in addition to their salaries, actual and necessary traveling expenses when in the performance of their official duties, said expenses to be itemized, verified under oath, and when audited and approved by the executive council to be paid upon warrants of the State auditor upon the State treasurer, provided that such expenditures shall not exceed the appropriation made for the dairy commissioner's office. During his term of office he shall hold no other official position nor any professorship in any State educational institution, and on or before the first day of November shall make annual report to the governor, which shall contain a detailed account of all his doings as commissioner, and the receipts and disbursements of his office since the preceding report, with such facts and statistics in regard to the production, manufacture, and sale of dairy products, with such suggestions as he may regard of public importance connected therewith. In the conduct of his office, he shall have power to issue subpoenas for witnesses, enforce their attendance, and examine them under oath by him to be administered, such witnesses to be allowed fees as in justices' courts, to be paid by the commissioner as part of the expenses of his office, and do such other acts and things as are necessary and proper in the enforcement of the provisions of this chapter.—*As amended by General Acts, 1904, ch. 88, sec. 1; and as further amended April 10, 1907; Acts and Resolutions, 32 G. A., 1907, ch. 132, pp. 131-132. See Bul. 69, Rev., Pt. II, p. 196.*

Code 1897, pp. 879-883.

1. *Butter standard.* Butter shall contain not less than eighty (80) per cent by weight of butterfat.—*Added April 13, 1907. Acts and Resolutions, 32 G. A., 1907, ch. 178, p. 181. See Bul. 104, p. 24.*

Approved February 26, 1906. Laws of Iowa, 31 G. A., 1906, ch. 166, p. 118.

EXTRACTS.

SEC. 18. *Standards.* For the purposes of this act, the following standards are hereby established:

1. *Flavoring extract.* A flavoring extract is a solution in ethyl alcohol of proper strength of the sapid and odorous principles derived from an aromatic

plant, or parts of the plant, with or without its coloring matter, and conforms in name to the plant used in its preparation.

2. *Almond extract.* Almond extract is the flavoring extract prepared from oil of bitter almonds, free from hydrocyanic acid, and contains not less than one (1) per cent by volume of oil of bitter almonds.

3. *Anise extract.* Anise extract is the flavoring extract prepared from oil of anise, and contains not less than three (3) per cent by volume of oil of anise.

4. *Celery seed extract.* Celery seed extract is the flavoring extract prepared from celery seed or the oil of celery seed, or both, and contains not less than three-tenths (0.3) per cent by volume of oil of celery seed.

5. *Cassia extract.* Cassia extract is the flavoring extract prepared from oil of cassia and contains not less than two (2) per cent by volume of oil of cassia.

6. *Cinnamon extract.* Cinnamon extract is the flavoring extract prepared from oil of cinnamon, and contains not less than two (2) per cent by volume of oil of cinnamon.

7. *Clove extract.* Clove extract is the flavoring extract prepared from oil of cloves, and contains not less than two (2) per cent by volume of oil of cloves.

8. *Ginger extract.* Ginger extract is the flavoring extract prepared from ginger and contains in each one hundred (100) cubic centimeters, the alcohol-soluble matters from not less than twenty (20) grams of ginger.

9. *Lemon extract.* Lemon extract is the flavoring extract prepared from oil of lemon, or from lemon peel, or both, and contains not less than five (5) per cent by volume of oil of lemon.

10. *Terpeneless extract of lemon.* Terpeneless extract of lemon is the flavoring extract prepared by shaking oil of lemon with dilute alcohol, or by dissolving terpeneless oil of lemon in dilute alcohol, and contains not less than two-tenths (0.2) per cent by weight of citral derived from oil of lemon.

11. *Nutmeg extract.* Nutmeg extract is the flavoring extract prepared from oil of nutmeg, and contains not less than two (2) per cent by volume of oil of nutmeg.

12. *Orange extract.* Orange extract is the flavoring extract prepared from oil of orange, or from orange peel, or both, and contains not less than five (5) per cent by volume of oil of orange.

13. *Terpeneless extract of orange.* Terpeneless extract of orange is the flavoring extract prepared by shaking oil of orange with dilute alcohol, or by dissolving terpeneless oil of orange in dilute alcohol, and corresponds in flavoring strength to orange extract.

14. *Peppermint extract.* Peppermint extract is the flavoring extract prepared from oil of peppermint, or from peppermint, or both, and contains not less than three (3) per cent by volume of oil of peppermint.

15. *Rose extract.* Rose extract is the flavoring extract prepared from attar of roses, with or without red rose petals, and contains not less than four-tenths (0.4) per cent by volume of attar of roses.

16. *Savory extract.* Savory extract is the flavoring extract prepared from oil of savory, or from savory, or both, and contains not less than thirty-five hundredths (0.35) per cent by volume of oil of savory.

17. *Spearmint extract.* Spearmint extract is the flavoring extract prepared from oil of spearmint, or from spearmint, or both, and contains not less than three (3) per cent by volume of oil of spearmint.

18. *Star anise extract.* Star anise extract is the flavoring extract prepared from oil of star anise, and contains not less than three (3) per cent by volume of oil of star anise.

19. *Sweet basil extract.* Sweet basil extract is the flavoring extract prepared from oil of sweet basil, or from sweet basil, or both, and contains not less than one-tenth (0.1) per cent by volume of oil of sweet basil.

20. *Sweet marjoram extract.* Sweet marjoram extract, marjoram extract, is the flavoring extract prepared from the oil of marjoram, or from marjoram, or both, and contains not less than one (1) per cent by volume of oil of marjoram.

21. *Thyme extract.* Thyme extract is the flavoring extract prepared from oil of thyme, or from thyme, or both, and contains not less than two-tenths (0.2) per cent by volume of oil of thyme.

22. *Tonka extract.* Tonka extract is the flavoring extract prepared from tonka bean, with or without sugar or glycerin, and contains not less than one-tenth (0.1) per cent by weight of coumarin extracted from the tonka bean, together with a corresponding proportion of the other soluble matters thereof.

23. *Vanilla extract.* Vanilla extract is the flavoring extract prepared from vanilla bean, with or without sugar or glycerin, and contains in one hundred (100) cubic centimeters the soluble matters from not less than ten (10) grams of the vanilla bean, and contains not less than thirty (30) per cent by volume of absolute ethyl alcohol.

24. *Wintergreen extract.* Wintergreen extract is the flavoring extract prepared from oil of wintergreen, and contains not less than three (3) per cent by volume of oil of wintergreen.

VINEGAR.

1. *Standards for cider or apple vinegar.* Vinegar, cider vinegar, apple vinegar, is the product made by the alcoholic and subsequent acetous fermentations of the juice of apples, is laevorotatory, and contains not less than four (4) grams of acetic acid, not less than one and six-tenths (1.6) grams of apple solids, of which not more than fifty (50) per cent are reducing sugars, and not less than twenty-five hundredths (0.25) gram of apple ash in one hundred (100) cubic centimeters (20° C.); and the water-soluble ash from one hundred (100) cubic centimeters (20° C.) of the vinegar contains not less than ten (10) milligrams of phosphoric acid (P_2O_5) and requires not less than thirty (30) cubic centimeters of decinormal acid to neutralize its alkalinity.

2. *Wine or grape vinegar.* Wine vinegar, grape vinegar, is the product made by the alcoholic and subsequent acetous fermentations of the juice of grapes and contains, in one hundred cubic centimeters (20° C.), not less than four (4) grams of acetic acid, not less than one (1.0) gram of grape solids, and not less than thirteen hundredths (0.13) gram of grape ash.

3. *Malt vinegar.* Malt vinegar is the product made by the alcoholic and subsequent acetous fermentations, without distillation, of an infusion of barley malt or cereals whose starch has been converted by malt, is dextro-rotatory, and contains, in one hundred (100) cubic centimeters (20° C.), not less than four (4) grams of acetic acid, not less than two (2) grams of solids, and not less than two-tenths (0.2) gram of ash; and the water-soluble ash from one hundred (100) cubic centimeters (20° C.) of the vinegar contains not less than nine (9) milligrams of phosphoric acid (P_2O_5), and requires not less than four (4) cubic centimeters of decinormal acid to neutralize its alkalinity.

4. *Sugar vinegar.* Sugar vinegar is the product made by the alcoholic and subsequent acetous fermentations of solutions of sugar, syrup, molasses, or refiners' syrup, and contains, in one hundred (100) cubic centimeters (20° C.), not less than four (4) grams of acetic acid.

5. *Glucose vinegar.* Glucose vinegar is the product made by the alcoholic and subsequent acetous fermentations of solutions of starch sugar or glucose, is dextro-rotatory, and contains, in one hundred (100) cubic centimeters (20° C.), not less than four (4) grams of acetic acid.

6. *Spirit, distilled or grain vinegar.* Spirit vinegar, distilled vinegar, grain vinegar, is the product made by the acetous fermentations of dilute distilled

alcohol, and contains, in one hundred (100) cubic centimeters (20° C.), not less than four (4) grams of acetic acid. *Added April 13, 1907. Acts and Resolutions, 32 G. A., 1907, ch. 178, pp. 179-181. See Bul. 104, p. 24.*

Approved February 26, 1906. Laws of Iowa, 31 G. A., 1906, ch. 166, p. 118.

RULINGS.

RELATION OF NATIONAL AND STATE LAW.

The national food law is one of great importance, but is not apt to be violated by retailers. It relates wholly to interstate commerce. The goods which the retailer sells are never, while in his hands, articles of interstate commerce, and hence, whether the goods are in accordance with the national law or not, the retailer will not violate that law by selling them in this State. A great many manufacturers have been very willing to guarantee their goods under the national law, but not under the State law, and in some cases they have assured the dealers that they need pay no attention to the operation of the State law. Such a guaranty is of no value in the way of protecting the Iowa dealer from prosecutions. It is here pointed out that the State law can not touch the shipment or sale of goods across the State line, and that, for this reason, the manufacturer without the State is perfectly safe, so far as prosecutions are concerned, in sending into this State goods that do not comply with the Iowa law. It is plain that the retailer is the one who will be subject to prosecutions if the goods he sells do not comply with the State law. The two laws are quite different in their labeling provisions, and goods sold in this State must bear the labels required by the State law. The two laws are nearly alike in regard to prohibitions of ingredients, such as chemical preservatives, harmful colors and flavors, and similar adulterations, which are prohibited by both laws; hence articles of food guaranteed under the national law in this particular will probably also comply with the State law. But upon goods which, to be legally sold, require specific form of labels, the provisions of the two laws are different and the dealer who buys to sell again inside this State can not rely upon the national guaranty for his labeling under the Iowa statute.

NO LABELS REQUIRED ON PURE FOODS.

It must be borne in mind that no restrictions are placed by the food law upon the sale of any goods except "adulterated" or "misbranded" articles. The sale of "misbranded" goods is prohibited. The sale of "adulterated" goods is also prohibited, except those "mixtures, compounds, combinations, limitations, and blends," which may be sold when properly labeled. The food law affects "foods, drinks, confectionery, and condiments," all of which are included in the definition of "food."

RETAILERS MUST LABEL PACKAGES.

Packages of adulterated goods sold in bulk, such as adulterated spices, substitutes for lard, mixed sirups, must be properly labeled by the retailer. The design of the law is that the last purchaser of the goods shall be fully informed in regard to their character.

" MISBRANDED "—SECTION 7.

An article of food is misbranded if the package or label bear any false or misleading statement, design, or device in regard to the substance contained in the package, or the ingredients of the article, or in regard to the State or

country in which it is manufactured or produced. This provision is chiefly in relation to the main label or title under which the article is sold.

If any weight or measure is stated, the net weight or measure must be given. This will not prevent statement of gross weight if the net weight is also given.

"ADULTERATED FOODS"—SECTION 8.

The sale of certain classes of adulterated foods is altogether prohibited. They are: Foods which are "mixed, colored, powdered, or stained, whereby damage or inferiority is concealed;" those that contain "any added poisonous ingredient, or any ingredient which may render such article injurious to health, or * * * contain saccharine or formaldehyde;" those that are "labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so," and those that "consist of the whole or any part of a diseased, filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or * * * the product of a diseased animal or one that has died otherwise than by slaughter."

Mixtures, compounds, combinations, imitations, and blends, which might otherwise be classed as adulterated foods, must bear a label showing their "exact character" and the "name and quantity or proportion of each constituent thereof." There are many articles of food which, by their very nature, are mixtures or compounds, such as pure jellies and jams, canned fruits and vegetables, prepared mustard, horse-radish, and vinegar. Such mixtures are not, of course, adulterated foods by reason of the fact that they are composed of more than one ingredient. The food products which require labels are adulterated foods, which are at the same time mixtures, compounds, combinations, imitations, and blends.

PRESERVATIVES, SWEETENERS, AND OTHER CHEMICALS.

The use of saccharine or formaldehyde, or any other deleterious ingredient is forbidden by section 8, paragraph 6.

The attitude of this department will be against the use of chemical preservatives, except the usual and necessary amount of benzoate of soda in catchup, sweet cider, wet mince-meat and codfish, if the labels bear a statement of the presence of such preservatives.

Makers of various chemical preservatives and sweeteners have been advertising their preparations as complying with the food law, and a good many of them come labeled "Guaranteed under the national food and drugs act." There is nothing in the food laws, either State or national, to prevent one selling boric acid, or salicylic acid, or any other chemical or drug, however harmful; but the laws do prohibit the sale of foods into which harmful substances are placed, and not one of the chemical preservatives sold by the various firms may be legally used in foods in this State, except as stated above. The various preservatives sold under attractive names and guaranties are almost certain to be composed of one or more of the following cheap chemicals:

Benzoic acid; benzoate of soda.

Boric or boracic acid; borax.

Salicylic acid.

Sodium sulphite.

Formaldehyde.

Fluorides.

Dealers are warned not to sell in this State foods containing any chemical preservatives, under whatever name sold, except benzoate of soda, as explained above.

Some so-called preservatives, sold by various dealers, are found to be made of such common harmless ingredients as salt, saltpeter, and starch, and sold at extremely high prices, but of course their use does not render the foods adulterated.

Statements made by salesmen or advertisements to the effect that articles sold as preservatives are harmless, or that foods in which they may be used comply with the law, are uniformly contrary to facts.

COLORS.

The use of harmful colors or dyes, or the use of color to cover up damage or inferiority, is prohibited. The use of color in catchup, or of sodium sulphite in fresh meat, is such a use of color. There is nothing in the food law to prevent the use of color in butter, cheese, or sausage casings, assuming that the particular color used is not a harmful one.

BAKING POWDERS.

Every can or package of baking powder is required to have plainly stated upon it the names of each and every ingredient of such powder. This requirement is found in section 8, paragraph 8, 1. Section 9 mentions the required form of type and the manner of making the statement.

While some latitude of nomenclature is evidently possible under the statute, the evident intention of the law is that the names of the ingredients shall be specific, rather than general, and shall be given with sufficient exactness in every case so that a chemical analysis will identify the particular substance claimed to be present.

No kind of baking powder is considered adulterated food under our statute, and the label requiring the ingredients is for the purpose of enabling the purchaser to know which variety of baking powder he is buying.

DAIRY PRODUCTS.

Besides the general food law, this State has specific laws in regard to the sale of milk, skimmed milk, cream, butter, cheese, and imitations of butter and cheese. The pure-food law covers in some degree also renovated butter, condensed milk, condensed skimmed milk, and evaporated milk.

There are no restrictions in any of the food laws or dairy laws on the use of salt, rennet, sugar, or harmless coloring matter in dairy products in which these added ingredients are usual or necessary.

Imitations of butter and cheese may not contain any added coloring matter, neither may they be sold if they have a yellow color for any other reason. (The Code, sec. 2517.)

Standards are as follows:

Milk must contain not less than $12\frac{1}{2}$ per cent of milk solids and not less than 3 per cent of butter fat.

Skimmed milk is unadulterated milk containing less than $12\frac{1}{2}$ per cent of milk solids or less than 3 per cent of butter fat.

Cream must contain not less than 15 per cent butter fat.

Cream, milk, or skimmed milk are "adulterated" if anything whatever has been added. (Sec. 4990, the Code.)

Butter must contain not less than 80 per cent. butter fat. (Food law, sec. 18 (1907).)

Cheese must be made from milk that has not been adulterated or skimmed, or partially skimmed.

Skimmed milk cheese is that which has been made from skimmed milk, or partially skimmed milk and must be marked "skimmed milk cheese" in letters 1 inch high and a half-inch wide. The code, section 4989.

Condensed milk (sweetened) and condensed skimmed milk (sweetened) and evaporated milk (unsweetened) must be sold under names or labels not deceptive as to the character of the article itself.

Renovated butter and oleomargarine are articles upon which there is a United States revenue stamp tax and, under the revenue laws should be sold always from the package to which the revenue stamp is attached. The dealer in oleomargarine is required to have a license from the United States collector of internal revenue. There is no State restriction upon the sale of renovated butter, except that it must be sold under its proper name. The State law designates oleomargarine as "substitute for butter." When sold, it must be accompanied by a printed statement that it is a substitute for butter and giving the name and address of the maker. If used in a hotel, restaurant or other place, there must be exhibited opposite each table a card 10 by 14 inches in size, bearing in type one inch by a half-inch wide the words "Substitute for butter used here."

The sale or purchase, for the purpose of manufacturing any food product, of any milk or cream that is "unclean, unhealthful, adulterated or unwholesome, is forbidden; the commissioner and his assistants have authority for inspecting cans in which these products are transported, and to take samples therefrom for analysis."

FLAVORING EXTRACTS.

Section 18 of the food law enacts standards upon extracts and dealers should insist that the manufacturer of extracts shall guarantee his goods to be equivalent to the standards therein provided. These standards are the same as those adopted under the national statute, with the exception of vanilla, which is substantially the same.

Extracts not of standard strength but otherwise unadulterated may be sold under titles such as "One Half Strength Vanilla Extract," "Three-fourths Standard Vanilla Extract," in which no artificial color may be added.

The so-called artificials are not properly labeled as extracts, but should be sold under such names as "artificial strawberry flavor," or "imitation strawberry flavor," and on such there is no standard of strength. It is not necessary to attach a label stating the ingredients. An imitation of vanilla extract should be sold as vanilla flavor and should bear the label stating the names and percentages of constituents.

The standards provide for terpeneless lemon extract, heretofore known as lemon flavor or washed lemon extract.

Only natural colors are permitted in extracts.

Imitations of vanilla extract, commonly sold as vanilla flavor; also mixtures of vanilla and tonka, require labels stating the names and proportions of constituents.

FLOURS.

Mixtures of two kinds of flour, such as rye with wheat flour or buckwheat with wheat flour, require the label stating the names and percentages of ingredients.

It is held that flours sold under the general name of pancake flour do not require the label even though they are mixtures of several ingredients.

Flours sold under such name as self-rising buckwheat flour are sufficiently labeled if they are composed of buckwheat flour and the leavening agents and

nothing else. If composed of buckwheat and some other flour with the leavening agents the formal label stating the ingredients and percentages is required, and the title should read "Compound self-rising buckwheat flour."

VINEGARS.

Section 18 of the food law gives standards on six kinds of vinegar as follows: Vinegar, cider vinegar, apple vinegar, wine vinegar, grape vinegar, malt vinegar, sugar vinegar, glucose vinegar, spirit vinegar, distilled vinegar, grain vinegar, from which it will be seen that the word vinegar when used alone is intended to mean cider vinegar. These varieties of vinegar may be sold without labels, but must be sold under their own respective names.

Vinegar which contains any added coloring matter, or which contains less than 4 per cent acetic acid, is adulterated under this statute. No labels will legalize the sale of colored vinegar. See section 8, paragraph 8.

CANNED VEGETABLES.

The use of saccharine is prohibited by section 8, paragraph 6.

Sulphate of copper, commonly used to color so-called French peas, is a harmful coloring material and its use is prohibited.

Soaked peas may be sold, but are misbranded unless the label under which they are sold gives full information of their character.

The use of any bleacher or starch, or other filler, constitutes an adulteration.

SUGARS, SIRUPS, AND HONEY.

Mixed sugars and sirups of every kind and honey mixed with glucose or other ingredients require special labels showing the names and percentage of ingredients.

The names or titles under which they are sold must show the exact character.

For example, the word "sorghum" is not a proper label or title under which to sell a mixture of sorghum and glucose. The title should be "sorghum and glucose" or "compound sorghum."

The name "corn sirup" or "glucose," but not the name "grape sugar" should be used for the liquid product usually known as glucose.

CONFECTIONERY.

Candy is adulterated if it contains any terra alba, barytes, talc, chrome yellow, or any mineral substance of any poisonous colors or flavors or any ingredients deleterious or detrimental to health.

Confectionery sold under a specific name, such as chocolate creams, coconut bars, and similar titles must have the ingredient which the name indicates.

ICE CREAM.

Section 4990 of the dairy law defines cream as having at least 15 per cent butterfat. This department holds that a frozen product made from standard cream, sweetened and flavored, may be properly sold under the name "ice cream."

A similar product, made from milk and other wholesome ingredients, may be properly sold under a name not deceptive as to its character, but can not be properly designated as an ice cream.

This department will not interfere with the sale of ice cream and similar products containing not more than 1 per cent of gelatin.

Such terms as vanilla, strawberry, etc., prefixed to the words ice cream are held to represent the flavors rather than the ingredients.

No labels are necessary on pure goods.

No label can legalize the sale of an article containing deleterious ingredients.

The names under which articles are sold must be truthful and such as will not misrepresent the character of the article or the ingredients of which it is composed.

SODA FOUNTAIN SIRUPS, CRUSHED FRUITS, POP, CIDER, AND ACIDULATED SOFT DRINKS.

These goods should be free from chemical preservatives, harmful colors, and deleterious ingredients of every kind. The use of saccharine is prohibited. This department will not interfere with the proper use of benzoate of soda in crushed fruits, soda sirups, and apple cider.

It is held that such names as "orange cider," "raspberry cider," and similar names are deceptive, and their use on labels constitutes misbranding. They should be designated as "artificial" or "imitation," or by some name that will accurately set forth their character.

Imitation apple cider and other imitations require labels stating the names and percentages of ingredients.

No particular labels are required upon goods of this general class, except those that are imitations, but the names or titles under which they are sold and the labels that may be attached by dealers may not be deceptive as to the articles or the ingredients from which they are made.

MIXED JELLIES, JAMS, AND SIMILAR PRODUCTS.

The words "jelly, jam, marmalade, fruit butter," and names of similar products are held to mean the product derived from the whole or some part of the single fruit named, mixed with sugar.

Mixtures of two fruits and sugar, or two fruits and glucose, or of fruit, sugar, and glucose are such mixtures or imitations as require the formal label, stating the names and percentages of ingredients.

The main label of such products should be such as to give no false impression in regard to the contents of the packages.

CATSUP.

The use of color in catsup is prohibited. The use of starch or flour filler, or glucose renders catsup adulterated and demands the formal label.

COFFEE.

The coloring of coffee is contrary to the food law. The use of a chicory wash, or finish, is usually deceptive and is not permitted. The department will not interfere with the use of a sugar-and-egg coating, when the products used are wholesome.

The well-known term "Mocha and Java" so often found upon coffee labels are instances of misbranding, unless the coffee contained in the package is really a mixture of Mocha and Java and nothing else.

MEATS.

Under the Federal meat-inspection law, meats, sausages, lard, and other products that come to the consumer in the packers' original package, bearing the meat-inspection stamp, are unadulterated, or, if adulterated, a statement of the fact and the kind of adulterant used will be found upon the label. If such adulterant occurs, the Iowa label must also be attached.

There is nothing in the food law to prevent the use of saltpeter.

CANNED MEATS.

Canned meats, put up under the present meat-inspection law, will be properly labeled, and dependence may be put upon the names which appear upon the cans as being true.

Old stocks of such canned meats are very likely to be misbranded.

SAUSAGES.

Deleterious ingredients are prohibited. This includes chemical preservatives of all kinds, and harmful colors. Saltpeter may be used. Harmless colors may be used in casings.

Sausages may be legally sold without labels under such distinctive names as "bologna, Vienna, metwurst, salami," and similar names to indicate the kind or style of sausage.

Sausages may be legally sold without labels under such distinctive names as liver sausage, blood sausage, tongue sausage. While these sausages are evidently not made wholly from the organ which the name suggests, they will be treated as sausages sold under names indicating the kind or variety.

In the sausages covered by the two preceding paragraphs, it is recognized that flour may be a necessary and proper ingredient.

Sausages containing an abnormal quantity of flour are clearly adulterated. It is quite clear that the use of a small amount of flour in sausage is a customary and legitimate practice, for proper purposes. The commissioner has no authority to establish standards, but for the information of the public it is here stated that this department will not interfere with the sale of sausage because of the presence of wholesome flour, provided that an analysis does not show more than 5 per cent of such flour. It is obvious that this statement can not apply to sausages represented to be pure meat, such as "pure pork sausage."

Sausage sold under a name suggesting the kind of animal from which the meat comes is adulterated if other meat is present. For example, pork sausage should be made wholly of pork.

LARD, LARD SUBSTITUTES, AND LARD COMPOUNDS.

The dealer knows from the packer's label whether the lard he gets is pure or not. If it is a lard mixed with beef fat, in any proportion, or if the product is an imitation of lard made of beef fat and cotton-seed oil, the names and proportions of ingredients must be stated upon the label of every package in which it may be sold. This applies to all substances which are substitutes for lard and which resemble it in appearance, whether it is sold under a trade name or otherwise.

OYSTERS.

This department has discovered on sale oysters containing formaldehyde and boric acid, respectively. These chemicals in any food products are harmful,

and dealers should take care that oysters handled by them shall be free from these or other chemical preservatives.

CODFISH.

A great deal of codfish has been on the Iowa market, having been preserved with boric acid. The sale of any food product containing boric acid is illegal under our food law.

This department will not interfere with the sale of codfish preserved with benzoate of soda, as permitted under the national law, providing directions for the removal of the preservative accompany the package.

Fish, other than codfish, which are packed to look like and sell in the place of codfish, should be sold under their correct names.

WHISKY AND OTHER INTOXICANTS.

Upon packages of compound or imitation whisky, including bar bottles and bottled goods sold at retail, a formal label stating names and percentages of constituents is required. There is no requirement for labeling "straight" whisky or "blends" of straight whisky.

This department will follow the definitions and nomenclature adopted under the national statute, so far as possible.

Mixtures put up at the demand of the retail customer do not require specific labeling.

The names under which liquors are sold must be correct. For example, "Blackberry brandy," so called, is usually neither a brandy nor is it made from blackberries. It may be labeled as "Cordial, blackberry flavor," or with some equivalent expression.

All "imitations" must give a list of names and percentages of constituents.

SPICES AND CONDIMENTS.

The use of a filler, or mixture of any kind, in spices, renders them adulterated and requires the label. The use of mustard bran in prepared mustard renders it adulterated.

UNWHOLESOME FOODS.

Section 8, paragraph 8, prohibits the sale of "any part of a diseased, filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or the product of a diseased animal, or one that has died otherwise than by slaughter." Butchers should exercise extreme care that home-killed meats shall be free from disease. This section of the law extends to the sale of rotten eggs, or any unwholesome provisions.

EXEMPTIONS.

Canned corn, "purchased or received by wholesale or retail dealers of this State" before July 1, 1906, is exempt from the provisions of the statute until January 1, 1908. All other "foods, drinks, confectionery, and condiments" are subject to the provisions of the statute as here set forth, on and after July 4, 1907.

A reasonable time will be given after July 4 for retailers to dispose of wholesome goods they may have on hand when the same are labeled in con-

formity to the statute as it was in effect before July 4, 1907. Such goods should be disposed of as rapidly as possible.

FORMS OF LABELS REQUIRED.

The following forms of labels are suggested as complying with the requirements of the law :

Label required upon maple and cane sirup :

	Per cent.
MAPLE SIRUP	60
CANE SIRUP	40

Forms for imitation vanilla flavor :

EXTRACT OF VANILLA	30
SOLUTION OF VANILLIN	40
SOLUTION OF COUMARIN	30
CARAMEL COLOR	

Or :

	Per cent.
EXTRACT OF VANILLA	30
EXTRACT OF TONKA	10
VANILLIN	14
COUMARIN	10
ALCOHOL AND WATER TO MAKE	100

The name of the manufacturer, packer, or dealer is also required. The names of ingredients must be in "continuous list with no intervening matter" of any kind.

The above represent the size type mentioned in section 9. Note that labels in which the proportions are stated instead of the percentages also comply with the statute. For example :

Imitation lard :

FOUR PARTS BEEF STEARINE.
ONE PART COTTON SEED OIL.

KANSAS.

GENERAL FOOD LAWS.

SEC. 1. *Manufacturer's penalty for violation of act.* It shall be unlawful for any person to manufacture within the state of Kansas any article of food or drugs, medicines or liquors which is adulterated or misbranded, or which contains any poisonous or deleterious substance, within the meaning of this act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed three hundred dollars, or be imprisoned one year in the county jail, in the discretion of the court, and for each subsequent offense, on conviction thereof, shall be fined not less than five hundred dollars, or be imprisoned for one year in the county jail, or shall receive both such fine and imprisonment, in the discretion of the court.

SEC. 2. *Seller's penalty for violation of act.* It shall be unlawful for any person to sell, keep for sale or offer for sale, within the state of Kansas, any article of food, drug or liquor which is adulterated or misbranded, within the meaning of this act, and any person who shall sell, keep for sale or offer for sale any article of food or drug or liquor which is adulterated or misbranded, within the meaning of this act, shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined in a sum not to exceed fifty dollars, or be imprisoned in the county jail not exceeding one year, or be both fined and imprisoned, in the discretion of the court.

SEC. 3. *Duties of Board of Health.* The State Board of Health is authorized and directed to make and publish uniform rules and regulations not in conflict herewith, which rules and regulations shall be those adopted and promulgated by the United States Department of Agriculture in so far as they are applicable to and not in conflict with the provisions of this act, which rules and regulations shall include the collection and examination of specimens of foods, medicines, drugs, liquors and drinks manufactured, kept for sale, offered for sale or sold in the state of Kansas. Any person who shall violate any of the rules and regulations so made and published in the official state paper shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding fifty dollars, or imprisonment in the county jail not more than six months, or both, in the discretion of the court.

SEC. 4. *Inspection of food and drugs.* The examination of specimens of drugs shall be made at the University of Kansas, and such examinations shall be under the immediate supervision and direction of the dean of the school of pharmacy. That the examination of foods shall be made at the University of Kansas and the Kansas State Agricultural College, and such examinations shall be under the immediate supervision and direction of the directors of the departments of chemistry. That the University of Kansas and the Kansas State Agricultural College shall employ such additional chemists and assistants as are necessary to properly and expeditiously analyze such drug and food products as are sent to them by the state food inspectors for the purpose of determining from such examinations whether such articles are adulterated or misbranded, within the meaning of this act; and if it shall appear from any

examination that any of such specimens is adulterated or misbranded, within the meaning of this act, the secretary of the State Board of Health shall at once certify the facts to the county attorney of the county in which such sample was taken, with a copy of the results of the analysis of the examination of such article, duly authenticated by the analyst or officer making such examination, under the oath of such analyst or officer.

SEC. 5. *County attorney shall prosecute.* It shall be the duty of each county attorney to whom the secretary of the State Board of Health shall report any violations of this act, or to whom any health officer of any county or city, or any other person, shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the state, without delay, for the enforcement of the provisions of this act. After judgment of the court, notice of such adulteration or misbranding shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

SEC. 6. *"Food" defined.* * * * The term "food," as used herein, shall include all articles used for food or in the preparation of food, drink, confectionery or condiment by man, whether simple, mixed, or compound.

SEC. 7. *Adulteration defined.* For the purpose of this act an article shall be deemed to be adulterated— * * *

In the case of confectionery: If it contains terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous color or flavor, or other ingredients deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug.

In the case of food: *First*, if any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength. *Second*, if any substance has been substituted wholly or in part for the article. *Third*, if any valuable constituent of the article has been wholly or in part abstracted. *Fourth*, if it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed. *Fifth*, if it contain any added poisons or other added deleterious ingredient which may render such article injurious to health; provided, that when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the cover of the package, the provisions of this act shall be construed as applying only when said products are ready for consumption. *Sixth*, if it consist in whole or in part of a filthy, decomposed, tainted or putrid animal or vegetable substance or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or one that had died otherwise than by slaughter.

SEC. 8. *Definition of "misbranded."* The term "misbranded," as used herein, shall apply to all drugs, liquors, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food, liquor, or drug product which is falsely branded as to the state in which it is manufactured or produced.

That for the purpose of this act an article shall also be deemed to be misbranded * * *

In case of food: *First*, if it be an imitation of or offered for sale under the distinctive name of another article. *Second*, if it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been

removed, in whole or in part, and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, phenacetin, acetanilid, or arsenic, or any derivative or preparation of any such substance, contained therein. *Third*, if in package form, and the contents are stated in terms of weight or measure, the net weight or measure is not plainly or correctly stated on the outside of the package. *Fourth*, if the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular.

Provided, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases: *First*, in the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced. *Second*, in the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale; provided, that the term "blend," as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only; and provided further, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

SEC. 9. *Guaranty exempts dealer.* No dealer shall be deemed guilty under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party from whom he purchases such articles to the effect that the same is not adulterated or misbranded, within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach in due course to the dealer under the provisions of this act; provided, that this exemption shall not apply when such dealer knew or ought to have known that such drugs, liquors or foods so sold, offered or kept for sale were adulterated or misbranded, within the meaning of this act.

SEC. 10. *"Person" defined; fixing of responsibility.* The word "person," as used in this act, shall be construed to include both the plural and singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission or failure of any officer, agent or other person acting for or employed by any corporation, company, society or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society or association as well as that of the person.

SEC. 11. *Food inspectors appointed by State Board of Health; salaries.* The State Board of Health shall appoint four food inspectors, one of whom shall be a practical dairyman, who shall each receive a salary of not to exceed one hundred dollars per month, and shall serve during the pleasure of the board; they

shall be allowed the actual necessary expenses incurred in the performance of their duties, which shall be such as are prescribed by the rules of the State Board of Health as hereinbefore provided. The secretary of the State Board of Health, as executive officer of the board, shall direct the action of the food inspectors as such, and by reason of his office shall be chief food inspector; he shall receive a salary of twenty-five hundred dollars per annum, and such actual necessary expenses as are incurred in the performance of his duties as secretary of the State Board of Health and chief food inspector.

SEC. 12. *Board to cooperate with U. S. Department of Agriculture.* The secretary of the State Board of Health is authorized to confer and cooperate with the United States Department of Agriculture, in the enforcement of the national pure-food law, as it may apply to food, liquor, and drug products received in this state from other states, territories, or foreign countries.

SEC. 13. *Right of access for inspection.* For obtaining information regarding suspected violations of law, the chief food inspector or his duly appointed assistants shall have access to all places where any article of food or other article, the manufacture or sale of which is restricted, regulated or prohibited by this chapter, is stored or prepared for sale, or may be manufactured, kept for sale, or sold, and to places where food is or may be cooked, prepared, sold or kept for sale to or for the public, or distributed as a part of the compensation of servants and agents, including public and private hospitals, railroad camps, inns, boarding- and eating-houses, drinking-places, dining-cars, boats, and other places where any of said articles may be sold, and they may inspect any packages or receptacle found therein apparently containing any article of food or ingredient thereof, or any other article, the manufacture or sale of which is restricted, regulated or forbidden by this chapter, and may take samples therefrom for analysis, tendering payment therefor. Any person obstructing such entry or inspection, or failing upon request to assist therein, shall be guilty of a misdemeanor.

SEC. 14. *Standards of U. S. Department of Agriculture adopted.* The standards of quality, purity and strength for food, liquors, drugs and drinks that have been or shall be adopted by the United States Department of Agriculture are hereby declared to be the standards of purity, quality and strength for foods, liquors, drugs and drinks in the state of Kansas, unless other standards are prescribed by the State Board of Health.

SEC. 15. *Penalty.* Any person who shall violate any of the provisions of this act for which no other penalty is prescribed herein shall on conviction be fined in a sum not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not more than three months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 16. *Repeal.* All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 17. *Effect.* That this act shall take effect and be in force from and after its publication in the official state paper.

Approved February 14, 1907. Laws of 1907, ch. 266, pp. 420-426.

CONFECTIONERY.

See General Food Law, page 98.

MEAT (POULTRY, GAME, ETC.).

SEC. 1. *Refrigerated undrawn poultry, game, and fish, unlawful; fine.* Every person who shall offer or expose for sale at retail, for human food, at any public market, store, shop, or house, or in or about any street or other public

place, any slaughtered domestic or wild fowls, rabbits, squirrels, or other small animals, wild or tame, that has been preserved by refrigeration or cold storage, unless the entrails, crops and other offensive parts are properly drawn and removed, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than fifty dollars nor more than one hundred dollars for each offense.

SEC. 2. *Meat to be protected in transportation.* Every dealer in slaughtered fresh meats, fish, fowl or game for human food, at wholesale or retail, at any established place, or as a pedler in the transportation of such food from place to place to customers, shall protect the same from dust, flies and other vermin or substance which may injuriously affect it, by securely covering it while being so transported. Every violation of this provision shall be a misdemeanor punishable by a fine of not less than ten dollars, or by imprisonment in the county jail for not less than ten days.

SEC. 3. *Effect.* This act shall be in force and effect from and after its publication in the official state paper.

Approved February 7, 1907. Laws of 1907, ch. 187, pp. 298-299.

RULES AND REGULATIONS.

The regulations adopted in harmony with the Federal regulations given in Circular 21 of the Secretary's Office, United States Department of Agriculture, are not here reprinted, only such rulings being given as afford information on additional points.

REGULATION 30. *Standards of purity, quality, and strength.* (Sections 8 and 14.) When any article of food, liquor, drug or drink falls below the standards of quality, purity or strength which have been adopted or which shall be adopted by the United States Department of Agriculture or the Kansas State Board of Health, it shall be regarded as misbranded or adulterated, within the meaning of the Kansas food and drugs law of February 14, 1907.

REGULATION 31. *Refrigerated undrawn poultry, game, and fish.* (Section 7, sixth under "Food.") The serving for food in any restaurant, hotel, or dining car in Kansas of any poultry, game or fish that has been refrigerated or kept in cold storage with the crop or entrails undrawn is prohibited.

REGULATION 32. *Sanitation as affecting food or drugs.* Every place where drugs, food or food products are manufactured, prepared, stored, sold or offered for sale shall be required to be kept in a sanitary condition, and when the chief food inspector or his assistants, or any state or local health officer, shall find any such place in an unwholesome or unsanitary condition, he shall give the owner, agent or manager of such place a written notice to such effect, and any neglect or refusal to comply with such notice shall subject such person to the penalties provided in section 3.

REGULATION 33. *Sidewalk displays.* The sidewalk display of perishable products is prohibited unless such products are inclosed in a show-case or similar device, which will protect the same from flies, dust, or other contamination. Other food products that necessarily have to be peeled, pared or cooked before they are fit for consumption may be displayed on the sidewalk, provided that in such display the bottom of the container be at least eighteen inches above the surface of the sidewalk.

REGULATION 34. *Label follows display products.* When food products are taken from the original packages and exposed for sale, these food products

shall be accompanied by a copy of the label of the original package, conspicuously displayed.

REGULATION 35. *Label must not be destroyed.* Labels on barrels, boxes, tubs, pails, casks, or other packages must be so placed as not to endanger their mutilation or destruction in opening such packages. If packages are used from which goods are being sold or offered for sale or displayed, and from which the original label has been removed, destroyed, or rendered illegible, the goods contained therein will be considered misbranded within the meaning of the law.

REGULATION 36. *Alterations and amendments of regulations.* These regulations may be altered or amended at any time, without previous notice, by the Kansas State board of health.

The above rules and regulations are hereby adopted.

KANSAS STATE BOARD OF HEALTH.

Approved by the board March 8, 1907.

Attest:

S. J. CRUMBINE, *Secretary.*

NOTES ON THE LAW.

The Kansas food and drugs act became a law upon its publication in the official State paper, February 14, 1907. The law is almost an exact copy of the Federal food and drugs law, the only difference as applied to foods being that in section 6, under the definition of food, as used in this law, are added the words "or in the preparation of food." These added words are meant to cover all condiments, flavors, extracts, baking powders, and such other articles as enter into the preparation of food, which is not clearly set forth in the national law.

In section 7, under "Foods," the word "tainted" is inserted in the Kansas law, but does not appear in the national law. This is for the purpose of covering certain unwholesome products that may not be decomposed, in the strictest sense of the word, but which may be tainted with gases or ptomaines.

Again, in section 8, under "Foods," the word "arsenic" appears in the Kansas law, but is not in the national law.

* * * The national rules and regulations have been adopted in so far as they are not in conflict with the Kansas law. Dealers should familiarize themselves not only with the law itself, but with the rules and regulations, and decisions which may be handed down by the department, which will be published from time to time in the official bulletin of the board. * * *

MAINE.

GENERAL FOOD LAWS.

SEC. 1. *Adulteration or misbranding prohibited.* It shall be unlawful for any person within this state to manufacture, sell, transport, or offer for sale or transportation, any article of food or drug which is adulterated or misbranded within the meaning of this act.

SEC. 2. *"Food" defined.* The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed or compound.

SEC. 3. *Adulteration defined.* For the purpose of this act an article shall be deemed to be adulterated: * * *

In the case of confectionery:

If it contains terra alba, barytes, talc, chrome yellow, or other mineral substances of poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

In the case of food:

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituents of the article have been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, that when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering of the package, the provisions of this act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or one that has died otherwise than by slaughter.

SEC. 4. *Definition of "misbranded."* The term 'misbranded,' as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular and to any food or drug product which is falsely branded as to the state, territory, or country in which it is manufactured or produced.

For the purpose of this act an article shall also be deemed to be misbranded: * * *

In the case of food:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided*, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word 'compound,' 'imitation,' or 'blend,' as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, that the term 'blend' as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: And provided further, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

SEC. 5. *Director of Experiment Station to publish regulations and standards.* The director of the Maine Agricultural Experiment Station shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of foods and drugs manufactured, sold, transported, or offered for sale or transportation within this state, or which may be submitted for examination by any health, food or drug officer of any town, city or county within this state. The said director may also adopt or fix standards of purity, quality or strength when such standards are not specified or fixed by law and shall publish them together with such other information concerning articles of food and drugs as may be of public benefit. Such rules, regulations and standards shall, where possible, conform to and be the same as the rules and regulations adopted from time to time for the enforcement of act of Congress approved June thirtieth, nineteen hundred and six, and known as 'The Food and Drugs Act.'

SEC. 6. *Samples to be analyzed and results published.* The director of the Maine Agricultural Experiment Station shall analyze, or cause to be analyzed, samples of articles of food and drugs on sale in Maine, and at such times

and to such extent as said director may determine. And said director, in person or by deputy, shall have free access at all reasonable hours to any place wherein articles of food or drugs are offered for sale, and upon tendering the market price of any such article may take from any person samples for analysis. The results of all analysis of articles of food and drugs made by said director shall be published by him in the bulletins or reports of the experiment station, together with the names of the persons from whom the samples were obtained, and the names of the manufacturers thereof.

SEC. 7. *Director shall notify violator of act and hold private hearings.* When the said director becomes cognizant of the violation of any of the provisions of this act he shall cause notice of such fact, together with a copy of the findings, to be given to the party or parties concerned, including those from whom the sample was obtained, and to the party, if any, whose name appears upon the label as manufacturer, packer, wholesaler, retailer or other dealer. The parties so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed as aforesaid. Notices shall specify the date, hour and place of the hearing. The hearing shall be private and the parties interested therein may appear in person or by attorney. If the party whose name appears upon the label resides without the state he shall be entitled to reasonable notice by mail at such address as may, with due diligence, be obtained.

SEC. 8. *Penalty.* Any person who adulterates or misbrands, within the meaning of this act, any article of food or drugs, or any person who sells, transports, offers or exposes for sale or transportation any adulterated or misbranded article of food or drugs, shall be punished by a fine not exceeding one hundred dollars for the first offense and not exceeding two hundred dollars for each subsequent offense. Trial justices and municipal and police courts are hereby vested with original jurisdiction concurrent with the supreme judicial and superior courts, to try, and, upon conviction, to punish, for offenses against the provisions of this act.

SEC. 9. *Guaranty exempts dealer.* No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchased such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act.

SEC. 10. *Enforcement of act and prosecution.* The director of the Maine Agricultural Experiment Station shall diligently enforce all the provisions of this act, and when after due hearing he is convinced that the provisions of this act have been violated he shall, in his discretion prosecute all offenses against the same.

SEC. 11. *Appropriation.* There shall be appropriated annually from the state treasury the sum of three thousand dollars in favor of the Maine Agricultural Experiment Station, and the same may be expended in the inspection and analysis of food and drugs. So much of said appropriation shall be paid by the treasurer of state to the treasurer of said experiment station as the director of said station may show by his bills has been expended in performing the duties required by this act. Such payment shall be made quarterly upon the order of the governor and council, who shall draw a warrant for that purpose.

SEC. 12. *Definition.* The word "person" as used in this act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

SEC. 13. *Repeal.* Chapter sixty-eight of the public laws of nineteen hundred and five and all other acts or parts of acts inconsistent herewith, are hereby repealed.

SEC. 14. *Effect.* This act shall take effect as to foods when approved, and as to drugs January first, nineteen hundred and eight, but the penalties of this act shall not be enforced on account of any sale of any goods from stocks purchased prior to this date, January first, nineteen hundred and eight, provided such medicines be stamped plainly "on hand January first, nineteen hundred and eight."

Approved March 26, 1907. Laws of 1907, ch. 124, pp. 137-142.

CONFECTIONERY.

See General Food Law, page 103.

FISH.

SEC. 17. *Size of lobsters; meat sold out of shell unlawful; penalty.* No person shall buy or sell, give away or expose for sale or possess for any purpose any lobster less than four and three-fourths inches in length, alive or dead, cooked or uncooked, measured in manner as follows; taking the length of the back of the lobster measured from the end of the bone of the nose to the center of the rear end of the body shell; and any lobster shorter than the prescribed length when caught shall be liberated alive at the risk and cost of the parties taking them, under a penalty of one dollar for each lobster so caught, bought, or sold, given away, or exposed for sale or in possession. The possession of mutilated lobsters, cooked or uncooked, shall be prima facie evidence that they are not of the required length. All lobsters or parts of lobsters sold for use in this state or for export therefrom must be sold and delivered in the shell under a penalty of twenty dollars for each offense, and whoever ships, buys, gives away, sells or exposes for sale lobster meat after the same shall have been taken from the shell shall be liable to a penalty of one dollar for each pound of meat so bought, sold, given away, exposed for sale or shipped. Any person or corporation in the business of a common carrier of merchandise, who shall knowingly carry or transport from place to place lobster meat after the same shall have been taken from the shell shall be liable to a penalty of fifty dollars upon each conviction thereof. All lobster meat so illegally bought, shipped, sold, given away, exposed for sale or transported shall be liable to seizure and may be confiscated. Nothing contained herein shall be held to prohibit the sale of lobsters that have been legally canned.—*As amended March 11, 1907; Laws of 1907, ch. 50, p. 50. See Bul. 69, Rev., Pt. III, p. 230.*

Revised Statutes 1903, ch. 41, p. 401.

MILK.

SEC. 1. *Trade-mark on cans may be registered.* All persons and corporations engaged in buying, selling or dealing in milk or cream in cans, jugs, bottles or jars, with their names or other marks or devices, together with the word "registered," branded, engraved, blown or otherwise produced in a permanent manner in or upon such cans, jugs, bottles or jars, may file in the office of the clerk of the city or town in which their principal place of business is situated, and also in the office of the secretary of state, a description of the name or names, mark or marks, device or devices so used by them, and cause such description to be published once each week for four weeks successively in a newspaper published in the city or town in which said description has been filed aforesaid, except that where there is no newspaper published in such city or town then such publication may be made in any newspaper published in the county in which such city or town is situated.

SEC. 2. *Detention of registered cans, etc., a misdemeanor; penalty.* Whoever without the consent of the owner takes, detains or uses in his business, sells, disposes of, buys, conceals or traffics in any milk can, jug, bottle or jar, the owner of which has complied with the provisions relating thereto in section one of this act, shall be punished for the first offense by a fine not exceeding five dollars, or by imprisonment for a term not exceeding sixty days, for each can, jug, bottle or jar so taken, detained or used in his business, sold, disposed of, bought, concealed or trafficked in, and for any subsequent offense by a fine not exceeding ten dollars, or by imprisonment for a term not exceeding six months, for each can, jug, bottle or jar so taken, detained or used in his business, sold, disposed of, bought, concealed or trafficked in as aforesaid. Possession by any person in the transaction of his business of any such article the owner of which has complied with the provisions of section one of this act shall constitute prima facie evidence of the unlawful taking, use, detention, possession of or traffic in the same within the meaning of this act.

SEC. 3. *Defacement or destruction of registered cans, etc., a misdemeanor; penalty.* Whoever, without the consent of any owner who has complied with the provisions of section one of this act, willfully destroys, mutilates or defaces any can, jug, bottle or jar bearing such owner's name, mark or device, or willfully erases, mars, covers or changes any word or mark branded, engraved, blown or otherwise produced, in a permanent manner in or upon any such can, jug, bottle or jar, shall be punished for the first offense by a fine not exceeding five dollars, or by imprisonment for a term not exceeding sixty days, for each can, jug, bottle or jar so destroyed, mutilated or defaced, or for each can, jug, bottle or jar upon which any word or mark has been erased, marred, covered or changed as aforesaid; and for any subsequent offense by a fine not exceeding ten dollars, or by imprisonment for a term not exceeding six months, for each can, jug, bottle or jar so destroyed, mutilated or defaced, or for each can, jug, bottle or jar upon which any word or mark has been erased, marred, covered or changed as aforesaid.

SEC. 4. *Defilement of registered cans, etc., a misdemeanor; penalty.* Whoever puts any unclean or foul substance or matter into any milk can, jug, bottle or jar, the owner of which has complied with the provisions of section one of this act, shall be punished for the first offense by a fine of not less than fifty cents nor more than five dollars, for each can, jug, bottle or jar so defiled; and for any subsequent offense by a fine of not less than two dollars nor more than twenty dollars, for each can, jug, bottle or jar so defiled.

SEC. 5. *Prosecution for wrongful possession of registered cans, etc.; penalty.* Whenever any person or corporation having complied with the provisions of section one of this act, or the agent of any such person or corporation, shall make oath before any justice of any municipal, police or district court, or before any trial justice, that he has reason to believe and does believe that any person or corporation has wrongfully in possession or is secreting any of his or its milk cans, jugs, bottles or jars, marked and described as provided in section one of this act, said justice or trial justice shall, if satisfied that there is reasonable cause for such belief, issue a search warrant to discover and obtain the same, and may also cause to be brought before him the person or an agent or employee of the corporation in whose possession such cans, jugs, bottles or jars are found, and shall thereupon inquire into the circumstances of such possession; and if said justice or trial justice finds that such person or corporation has been guilty of a wilful violation of section two, three or four of this act he shall impose the penalty prescribed in the section or sections so violated, and shall also award to the owner possession of the property taken upon such search warrant.

SEC. 6. *Effect.* This act shall take effect when approved.

Approved March 26, 1907. Laws of 1907, ch. 129, pp. 146-147.

WATER.

SEC. 1. *Pollution of drinking water, a misdemeanor; penalty.* Whoever knowingly and wilfully poisons, defiles or in any way corrupts the waters of any well, spring, brook, lake, pond, river or reservoir, used for domestic purposes for man or beast, or knowingly corrupts the sources of any public water supply, or the tributaries of said sources of supply in such manner as to affect the purity of the water so supplied, or knowingly defiles such water in any manner, whether the same be frozen or not, or puts the carcass of any dead animal or other offensive material into said waters, or upon the ice thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year.—*As amended March 22, 1907; Laws of 1907, ch. 104, p. 112. See Bul. 69, Rev., Pt. III, p. 233.*

Revised Statutes 1903, ch. 129, p. 949.

REGULATIONS.

(M. F. D. R. 3.) SCOPE OF THE REGULATIONS.

Section 5 of the Maine food and drug law directs the director to make uniform rules and regulations for carrying out the provisions of the law and permits him to fix and adopt standards of purity. The rules, regulations, and standards are, when possible, to be the same as those adopted by the executive officer of the national food and drugs act, June 30, 1906. These rules, regulations, and standards become when published a part of the law. In addition to these the director of the station will publish from time to time expressions of opinion which are not to be considered in the light of rules and regulations and are not part of the law. These opinions are and will be in accord with the food-inspection decisions of the United States Secretary of Agriculture and express his attitude and that of the station director in the interpretation of the law. They are issued in an advisory spirit and are not mandatory. It may often occur that such an opinion is not that of the manufacturer, jobber, or dealer.

In this case there is no obligation resting upon the manufacturer, jobber, or dealer to follow the line of procedure thus indicated. Each one is entitled to his own opinion and interpretation, and to assume the responsibility of acting in harmony therewith. It is clear, however, that if the manufacturers, jobbers, and dealers interpret the rules and regulations in the same manner as they are interpreted by the director and follow that interpretation in their business transactions, no prosecution will lie against them.

In reaching the opinions and decisions which are adopted by the director of the station, the United States Secretary of Agriculture keeps constantly in view the two great purposes of the national food and drugs act, namely, to prevent misbranding and to prohibit adulteration. From the tenor of the correspondence received and from the oral hearings which have been held, it is evident that an overwhelming majority of the manufacturers, jobbers, and dealers are determined to do their utmost to conform to the provisions of the act, to support it in every particular, and to accede to the opinions of the United States Secretary of Agriculture respecting its construction. It is hoped, therefore, that the publication of the opinions and decisions will lead to the avoidance of litigation.

(M. F. D. R. 4.) FOOD STANDARDS.

As empowered in section 5 of the Maine food and drug law, chapter 124 of the Public Laws of 1907, I adopt and fix as the standards of purity, quality, and strength of food the standards published in Bulletin 135 of the Maine Agricultural Experiment Station, pages 233 to 250, inclusive.

* * * * *

(M. F. D. R. 6.) NATIONAL FOOD REGULATIONS.

Regulations 8 to 31 published in Circular No. 21^a of the Office of the United States Secretary of Agriculture are hereby adopted for the regulation of food and drugs sold in Maine.

(M. F. D. R. 7.)

The food-inspection decisions^b that have been and shall be made by the United States Secretary of Agriculture under the national food and drugs act, June 30, are and will be construed as applying to the Maine food and drug law.

(M. F. D. R. 8.) VINEGAR.

The standards for vinegar are given in Bulletin 135 of this station, page 249, and Miscellaneous Publication 259 contains definition of vinegar and directions for branding. These can not be taken as a guide for interstate trade; but goods sold in Maine in conformity to these suggestions will be held to be in conformity to the Maine food and drug law.

CHAS. D. WOODS,

Director Agricultural Experiment Station.

^a This may be obtained from the Maine Agricultural Experiment Station, Orono, Me.

^b Food-inspection decisions 40 to 65 have been made under the food and drugs act, June 30, 1906, and may be obtained from the Maine Agricultural Experiment Station, Orono, Me.

MASSACHUSETTS.

GENERAL FOOD LAWS.

SEC. 1. *Preparations containing alcohol, etc., must be so labeled.* Upon every package, bottle or other receptacle holding any proprietary or patent medicine, or any proprietary or patent food preparation, which contains alcohol, morphine, codeine, opium, heroin, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any such substances, shall be marked or inscribed a statement on the label of the quantity or proportion of each of said substances contained therein. The size of type in which the names of the above substances shall be printed on the labels as above, shall not be smaller than eight point (brevier) caps: *provided*, that in case the size of the package will not permit the use of eight point cap type the size of the type may be reduced proportionately. The provisions of section nineteen of chapter seventy-five of the Revised Laws, [see Bul. 69, Rev., pt. 3, p. 247] so far as they are consistent herewith, shall apply to the manner and form in which such statements shall be marked or inscribed.—*As amended March 29, 1907; Acts and Resolves 1907, ch. 259, pp. 203-204. See Bul. 104, p. 32.*

SEC. 2. *Exemption under guaranty.* No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber or manufacturer residing in this Commonwealth, from whom he purchases such articles, to the effect that the same is not misbranded within the meaning of this act, designating it. Such guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer; and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act.—*Added March 29, 1907; Acts and Resolves 1907, ch. 259, p. 204. See Bul. 104, p. 32.*

Approved May 11, 1906. Acts and Resolves of 1906, ch. 386, pp. 274-275.

SEC. 6. *Expenditures of board of health.* The state board of health may annually expend not more than fourteen thousand five hundred dollars for the enforcement of the provisions of sections sixteen to twenty-seven, inclusive; but not less than three fifths of said amount shall be annually expended for the enforcement of the laws against the adulteration of milk and milk products.—*As amended March 14, 1907. Acts and Resolves 1907, ch. 208, p. 157. See Bul. 69, Rev., Pt. III, p. 246.*

DAIRY PRODUCTS.

Standard for cream; offender fined. Whoever, himself or by his agent, or as the servant or agent of another person, sells, exposes for sale, or has in his custody or possession with intent to sell, cream containing less than fifteen per cent milk fat shall for a first offense be punished by a fine of not more than fifty dollars; for a second offense by a fine of not less than fifty nor more than

one hundred dollars; and for a subsequent offense by a fine of not less than one hundred nor more than two hundred dollars.

Approved March 16, 1907. Acts and Resolves of 1907, ch. 216, p. 164.

SEC. 1. *Salary of the general agent.* The salary of the general agent of the dairy bureau of the state board of agriculture shall be eighteen hundred dollars a year, to be so allowed from the first day of January in the year nineteen hundred and seven.

SEC. 2. *Effect.* This action shall take effect upon its passage.

Approved May 9, 1907. Acts and Resolves of 1907, ch. 401, p. 344.

FRUIT AND VEGETABLES.

SEC. 1. *Exemption.* The provisions of section seventy-three of chapter fifty-six of the Revised Laws [see Bul. 69, Rev., Pt. III, p. 266] shall not apply to persons, firms or corporations engaged in the wholesale fruit and vegetable business, who, at the time of sale of fruit or vegetables in the original package, make known to the purchaser the partly decayed condition of the articles in said packages.

SEC. 2. *Effect.* This act shall take effect upon its passage.

Approved April 13, 1907. Acts and Resolves of 1907, ch. 293, p. 252.

MICHIGAN.

DAIRY PRODUCTS.

SEC. 1. *Samples to be representative.* In taking samples of milk or cream from any milk can, cream can or any container of milk or cream, the contents of such milk can, cream can, or container of milk and cream shall first be thoroughly mixed either by stirring or otherwise and the sample shall be taken immediately after mixing, or by any other method which gives a representative average sample of the contents, and it is hereby made a misdemeanor to take samples by any method which does not give a representative average sample where milk or cream is bought or sold, and where the value of said milk or cream is determined by the butter fat contained in the same by the Babcock test.

SEC. 2. *Standard measures and tests.* In the use of the Babcock test, the standard milk measures or pipettes shall have a capacity of seventeen and six-tenths cubic centimeters at sixty degrees Fahrenheit and the standard test tubes or bottles for milk shall have a capacity of two cubic centimeters for each ten per cent, marked on the necks thereof; cream shall be tested by weight and the standard unit for testing shall be eighteen grams, and it is hereby made a misdemeanor to use any other standards of milk or cream measure where milk or cream is purchased by or furnished to creameries or cheese factories, condensed milk factories, milk depots, or any other place where the value of said milk or cream is determined by the per cent of butter fat contained in the same by the Babcock test.

SEC. 3. *Incorrect reading of the test, unlawful.* It shall be unlawful for the owner, manager, agent or any employee of a cheese factory, creamery, condensed milk factory or milk depot or other place where milk or cream is tested for quality or value to falsely manipulate or under-read or over-read the Babcock test, or make settlements on any other basis than the correct reading of the Babcock test or other contrivance used for determining the quality or value of milk or cream where the value of said milk or cream is determined by the per cent of butter fat contained in the same or to make any false determination by the Babcock test or otherwise.

SEC. 4. *Penalty.* Whoever shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than fifty dollars for each and every offense or be imprisoned in the county jail not less than ten days nor more than thirty days.

Approved June 27, 1907. Public Acts of 1907, [No. 280], pp. 365-366.

MINNESOTA.

GENERAL FOOD LAWS.

1735. *Commissioner and assistants; salaries.* He shall receive a salary of two thousand dollars per annum, and shall be allowed the expenses necessarily incurred by him in the discharge of his duties. He may appoint an assistant commissioner at a salary of one thousand five hundred dollars per annum; a secretary at a salary of one thousand two hundred dollars per annum; one chief chemist at a salary of two thousand four hundred dollars per annum; and when needed an assistant chemist or chemists, each at a salary not to exceed one hundred dollars per month; and such number of inspectors as may be necessary, at not to exceed one hundred dollars per month. The expenses necessarily incurred by such subordinates shall be allowed and paid in addition to salary. He may employ necessary legal counsel. The expenses properly incurred by him and his appointees shall be paid by warrant of the state auditor upon itemized accounts thereof approved by him or his assistant. The total expenses of the office, including salaries and compensation of all employes, shall not exceed in any fiscal year the appropriation made therefor plus the amount allowed by law to the commissioner from moneys received from licenses, fines and articles confiscated and sold under this chapter. *Provided* that the provisions of this act shall not be construed in any way to repeal the provisions of chapter 300, of the Laws of 1905.—*As amended April 18, 1907; General Laws of 1907, ch. 236, p. 322. See Bul. 69, Rev., Pt. IV, p. 309.*

Revised Laws of 1905, ch. 21, p. 348.

1771. *Substances deleterious to health may not be added to foods.* The manufacture or sale of any article, designed or offered for sale or use as food, is prohibited, if it contain or is mixed with, or by use of any substance or preparation the manufacture or sale of which is specifically prohibited by any section of this chapter; or if it be in itself injurious, or if it contain any ingredient injurious to health; or if it contains coal-tar dye or saccharin; or if it consist in whole or in part of a filthy or decomposed substance, or of any portion of any animal unfit for food, or of the product of a diseased animal, or one that has died otherwise than by slaughter. And it shall be unlawful to add or apply to any article designed for sale or use as food, any preservative which conceals or tends to conceal the taste, odor, or other evidence of putrefaction, taint or filth existing in such article, or which conceals or tends to conceal inferiority in any form.—*As amended April 19, 1907; General Laws of 1907, ch. 258, p. 350. See Bul. 69, Rev., Pt. IV, p. 312.*

Revised Laws of 1905, ch. 21, p. 356.

SEC. 1. *The sale of unwholesome foods a misdemeanor.* No person shall deal in or sell for use as food any filthy, decomposed, diseased or otherwise unwholesome food or dairy products, either in a natural state or in any manufactured,

mixed or prepared condition; and if any of the aforesaid unwholesome articles or substances be found offered or exposed for sale, or had in possession with intent to sell, for use as food, the dairy and food commissioner, his assistant and employes shall have power and authority to seize the same, or in his or their discretion to render the same unsaleable for use as food; and the said commissioner and his several employes shall be exempt from liability for any such action; and the test as to the unwholesomeness for use as food of any of the aforesaid articles or substances shall be the condition at the time of such discovery. Every violation of the provisions of this act shall be deemed a misdemeanor the punishment whereof shall be a fine of not less than fifty dollars or imprisonment for not less than sixty days.

SEC. 2. *Terms "person," "sell," and "food" construed; prosecutions.* The said dairy and food commissioner, and his several employes, shall enforce the provisions of this act and in so doing shall have the powers and authority which are conferred upon them and each of them by chapter 21, Revised Laws 1905; and the words "person," "sell" and "food," as used in this act, shall be construed as provided in section 1738, Revised Laws 1905, and laws subsequent thereto; and the having in possession of any article or substance the sale of which is prohibited by this act shall be deemed prima facie evidence of an intent to violate the law. In the enforcement of this act the said commissioner and his several employes shall, in addition to those thereby conferred, have the powers of a constable, and seizures may be made hereunder without a warrant, but as soon as practicable after discovery of such unwholesome article or substance the official making such discovery shall cause the arrest and prosecution of the person in whose possession such article or substance be found. When necessary a search warrant may be issued as in the case of stolen property, the form of complaint and warrant being adapted to the purposes of this act. The search warrant shall be directed to the sheriff or any constable of the county, and no security for costs shall be required thereon or upon any prosecution under this act. Articles or substances seized hereunder, if found upon the trial to have been kept, exposed, offered or sold in violation of law, may be forfeited to the state and be disposed of as directed by the court; and the dairy and food commissioner and his several employes, in rendering as aforesaid any unwholesome article or substance unsaleable for use as food, may adopt any reasonable and necessary means in so doing; and the provisions of sections 1736, 1778 and 1779, Revised Laws 1905, shall be deemed a part hereof in the enforcement of this act and for the accomplishing of its purposes.

SEC. 3. *Effect.* This act shall take effect and be in force from and after its passage.

Approved April 24, 1907. General Laws of 1907, ch. 384, pp. 540-542.

SEC. 1. *Labels to exhibit full information; commissioner to make rulings; misbranding a misdemeanor; penalty.* For the purpose of securing uniformity, as far as practicable, between the laws of this State and those of the federal government, enacted to prevent fraud and deception in the manufacture and sale of articles of food, and to preserve the public health, the dairy and food commissioner of this state shall have authority by ruling or rulings to require, whenever in his discretion he deems it advisable, that any article of food or the package, receptacle or container thereof, before it be sold or offered or exposed for sale or had in possession with intent to sell in this state, shall be labeled, stamped, stenciled, marked or branded in such manner as to plainly exhibit to the purchaser any or all of the following data or information, to-wit: The true

composition of such food article, its quality, strength, quantity, source of its manufacture or production, and the person by or for whom the same is manufactured, produced, packed or shipped; and the said commissioner shall also have authority to prescribe by such ruling or rulings the date at which the same shall take effect and be in force, and also the form, size, style and wording of and the place, time, method, means and manner of use of all such labels, stamps, stencils, brands and markings. *Provided*, that each of such rulings shall be in writing signed by the said commissioner, and shall be kept on file in his office and be open to inspection on request; and before any such ruling shall take effect it shall be published twice in a newspaper of general circulation published in this state, and when so made and published shall, from and after the tenth day succeeding the date of the last such publication, have the force and effect of law, and an affidavit of such publication, setting forth the said ruling in full and the dates of such publication thereof, shall be made by the publisher of such newspaper, or by the agent of such publisher, and shall be kept on file by the said commissioner in his office with the original of such ruling or rulings; and such affidavit of publication shall be prima facie evidence of the facts therein contained and of the said ruling and rulings therein set forth; and whenever in his discretion such action is advisable, the said commissioner shall have authority to modify, change or abrogate any and all such rulings, and to issue new rulings, but always in the manner hereinabove prescribed.

When so made and promulgated such ruling or rulings shall have the force and effect of law and to any and all such rulings sections 1774 and 1775, Revised Laws, 1905, shall be adapted and applied, and any person who shall fail to comply with such ruling or rulings of said commissioner, the test for such compliance being the provisions of section 1774, Revised Laws, 1905, adapted and applied as aforesaid, shall be deemed guilty of a misdemeanor; and the having in possession of any article which is misbranded with reference to any such ruling or rulings and within the meaning of section 1774, Revised Laws, 1905, as applied and adapted to such rulings, shall be deemed prima facie evidence that the same is kept in violation of the law; and any violation of the provisions of this act shall be deemed a misdemeanor, the punishment whereof shall be a fine of not less than fifteen dollars or imprisonment for not less than twenty days.

Provided, however, that if a person shall fully comply with the provisions of chapter 21, Revised Laws, 1905, with reference to the labeling, marking, stenciling, stamping and branding of an article of food, but shall fail to comply with the said ruling or rulings of the commissioner which may be made with respect to such article, such person shall be exempt from prosecution hereunder.

SEC. 2. *Commissioner to enforce the act.* The dairy and food commissioner and his several employes shall enforce the provisions of this act, and to this act shall be adapted and applied the provisions of sections 1736, 1738, 1776, 1777, 1778 and 1779, Revised Laws, 1905, as the said sections and each of them now exist and as they may be hereafter amended; nor shall this act be construed as repealing any section or provision of chapter 21, Revised Laws, 1905. *Provided, always*, that any and all rulings by the said commissioner shall be subjected to the test of its reasonableness and utility in accomplishing the purposes of this act.

SEC. 3. *Effect.* This act shall take effect and be in force from and after its passage.

Approved April 25, 1907. General Laws of 1907, ch. 424, pp. 605-607.

1779. *Costs of prosecutions; fines.* In all prosecutions under this chapter, and in all prosecutions under other laws which the dairy and food commissioner is authorized to enforce, the costs thereof shall be paid and collected as in other criminal cases; but all fines collected shall be paid into the state treasury, and be added, together with all fees and other receipts of the commissioner, to the appropriation made for the support of his office for the current year.

As amended April 25, 1907; General Laws of 1907, ch. 426, p. 608. See Bul. 69, Rev., Pt. IV, p. 313.

Revised Laws 1905, ch. 21, p. 358.

SEC. 1. *Inspection of factories, etc.* At such times as the dairy and food commissioner may deem proper and at least once annually, he shall cause to be inspected all canning factories where fruits or vegetables are put up and preserved in tin or glass cans or jars, to be sold as food, and may require the correction of all unsanitary conditions, and practices found therein, and may search and enter all cupboards, closets or any other places in said canning factories for the purpose of discovering any chemical preservatives or adulterants which he believes are in use or intended to be used in the canning or preserving of fruits or vegetables.

Every refusal or neglect to obey any lawful direction of the commissioner or his agent, given in carrying out the provisions of this section, shall be deemed a misdemeanor.

SEC. 2. *Conditions of factories to be published.* The dairy and food commissioner shall, in his public bulletins of information, report and publish the conditions found in the canning factories he has inspected.

SEC. 3. *Definition and use of "Minnesota standard."* Any person, firm or corporation owning or operating a canning factory where fruit or vegetables are put up and preserved in tin or glass cans or jars, to be sold as food, may label and sell the same as "Minnesota standard," provided the person, firm or corporation puts up, cans and preserves fruits and vegetables which are absolutely free from chemical coloring matter and adulterants of any kind, and which have been inspected and passed upon as of first-class grade and quality by the dairy and food commissioner.

SEC. 4. *Commissioner shall detail inspector at request of manufacturer; expenses; "Minnesota standard" not to be used without authority; penalty.* The commissioner shall, upon the request of the owner or operator of any canning factory, furnish an efficient deputy or agent for the purpose of such inspection, who shall be required to be daily at the canning factory during the canning season, to test and inspect the fruits or vegetables as they are in process of being put up and canned, and shall be required to stencil, mark or brand all cans or jars containing the canned product which he has inspected and passed upon as of first-class grade and quality and entitled to be labeled and sold as "Minnesota standard," with the words "Inspected and approved," and also the name of the deputy or agent making such inspection, provided said owner or operator pay to the commissioner the sum of at least one hundred dollars in advance for such examination and inspection, but the expense to the owner or operator of any canning factory shall not be more than five dollars per day during the time that the deputy or agent is in attendance at said factory for such examination and inspection.

Whoever shall, without such inspection and without authority of the commissioner, as aforesaid, use the brand or label "Minnesota standard," shall be guilty of a misdemeanor.

Whoever shall be found guilty of a misdemeanor under this act shall be punished by a fine of not less than \$30, or by imprisonment in the county jail for not less than thirty days.

SEC. 5. *Effect.* This act shall take effect and be in force from and after its passage.

Approved April 25, 1907. General Laws of 1907, ch. 455, pp. 703-705.

DAIRY PRODUCTS.

SEC. 1. *Adulterated ice cream defined.* No person shall manufacture or sell adulterated ice cream, and ice cream shall be deemed adulterated:

(1) If it be made from or contain impure milk or impure cream or any unwholesome substance or any coal-tar dye or saccharin or any substance injurious to health; or

(2) If it contains less than 12 per cent, by weight, of butter fat, or

(3) If it be colored, powdered or treated in any manner whereby damage or inferiority is or may be concealed.

SEC. 2. *Penalty.* Every violation of the provisions of this act shall be deemed a misdemeanor the punishment whereof shall be a fine of not less than fifteen dollars or imprisonment for not less than 20 days.

SEC. 3. *Enforcement of act.* The State Dairy and Food Commissioner, his assistants and employees, shall enforce the provisions of this act and in so doing shall have all the powers and authority with relation thereto that are conferred upon them and each of them by Chapter 21, Revised Laws, 1905; and the words "person" and "sell" as used in this act shall be construed as provided in section 1738, Revised Laws, 1905; and having in possession of any article or commodity, the manufacture or sale of which is prohibited by this act, shall be deemed prima facie evidence of an intent to violate the law; and impure milk and impure cream shall for the purposes of this act be defined as in section 1739, Revised Laws, 1905, or in subsequent laws defining the same; and in any prosecution hereunder the certificate of the Dairy and Food Commissioner's chemist, when sworn to by such chemist, shall be prima facie evidence of the facts therein stated; and the provisions of sections 1736, 1776, 1777, 1778 and 1779, Revised Laws, 1905, shall be deemed a part hereof in the enforcement of this act and the accomplishing of its purposes.

SEC. 4. *Effect.* This act shall take effect and be in force from and after its passage.

Approved April 6, 1907. General Laws of 1907, ch. 124, pp. 138-139.

1741. *Sales licensed.* No person shall sell milk or cream in, or to be used in, any municipal corporation, except for the purpose of supplying the same to a butter or cheese factory, without being licensed by the dairy and food commissioner, and the fee for such license shall be one dollar for each place or vehicle from which sale is made. Every such license shall expire May 1st, next after its issue; shall be given only to a person owning or leasing the vehicle or place from which sales are to be made, and shall not be transferred. Each license shall be numbered and shall contain the name, residence and place of business of the licensee, the names of all employees to act thereunder, and the number of vehicles and places to be used. The name and number of the license shall be plainly inscribed on both sides of each vehicle in use for the purposes aforesaid, and every sale from a vehicle not so inscribed, shall be deemed a misdemeanor. Every licensee shall report to the commissioner any change of driver or person employed by him in connection with such sales which may occur during the term of his license. Any person keeping not more than three cows and not selling any milk or cream except milk or cream produced by such

three cows, shall be exempted from the provisions of this section.—*As amended April 23, 1907; General laws of 1907, ch. 337, p. 460. See Bul. 69, Rev., Pt. IV, p. 315.*

Revised Laws of 1905, ch. 21, pp. 349–350.

HONEY.

SEC. 1. Governor to appoint a state inspector of apiaries. The governor shall appoint a state inspector of apiaries for the term of two years and until his successor qualifies. Vacancies shall be filled by like appointments for the unexpired term.

SEC. 2. Duties. Said inspector shall, when notified of the existence of foul brood or other infectious diseases among apiaries, examine all reported apiaries and all others in the same locality and ascertain whether or not such disease exists, and if satisfied of its existence, shall give the owner or person who has charge of such apiaries full instructions as to the manner of treating them. Within a reasonable time after making such examination, the inspector shall make another examination thereof, and if the condition is such as in his judgment renders it necessary, he may give notice to the owner or person in charge of such apiaries, prohibiting the sale, barter or removal of any bees, honey or appliances from such affected apiary.

SEC. 3. Inspection of infected hives. After inspecting infected hives or fixtures, or handling diseased bees, the inspector shall, before leaving the premises or proceeding to any other apiary, thoroughly disinfect any portion of his own person and clothing, and any tools or appliances used by him which have come in contact with infected material, and shall see that any assistant or assistants with him shall likewise thoroughly disinfect their persons and clothing and any tools and implements used by them.

SEC. 4. Sale of foul broods prohibited. Any bee keeper who shall be aware of the existence of foul brood in his apiary, or who shall receive notice from the inspector as provided in section 2 of this act, and who shall sell, barter, give away or remove any such apiary, or any honey, appliances or bees from such apiary, and any beekeeper who shall refuse to allow the inspector to examine his apiary, honey and appliances, shall be fined not less than \$10 nor more than \$100 or be imprisoned in the county jail not less than 10 days nor more than 30 days.

SEC. 5. Annual report. The inspector of apiaries shall make, at the close of each calendar year, a report to the governor, stating the number of apiaries visited, the number of those diseased and treated, the effect of such treatment, and the disposition made of such apiaries.

SEC. 6. Compensation. The compensation of said inspector of apiaries for services and expenses is hereby fixed at one thousand dollars (\$1,000) per year and there is hereby appropriated out of money in the state treasury not otherwise appropriated the sum of one thousand dollars (\$1,000) each year for the maintenance of said inspector of apiaries.

SEC. 7. Effect. This act shall take effect immediately after its passage.

Approved April 12, 1907. General Laws of 1907, ch. 160, pp. 177–178.

ICE CREAM.

See Dairy Products, page 117.

SPICES AND CONDIMENTS.

1762. Adulteration. The sale of adulterated spices and condiments is prohibited and for the purpose of this chapter a spice or condiment shall be deemed adulterated:

- (1) If it be mixed or packed with other articles as to decrease its strength or purity; or
- (2) If any normal constituent thereof has been either in whole or in part abstracted; or
- (3) If it be an imitation of the article named upon the label; or
- (4) If it be colored, powdered or treated in any manner whereby damage or inferiority is concealed, or whereby the quality, quantity or value is misrepresented.

No person shall sell any spice or condiment unless each receptacle or package in which the same is kept for sale or sold, shall have securely affixed upon the side thereof, a label, upon the outside face of which shall be printed in plain, conspicuous, legible type, the net weight of the contents of such receptacle or package; and such label shall also contain the name and address of the manufacturer or packer of such spice or condiment.—*As amended April 18, 1907. General Laws of 1907, ch. 237, pp. 322-323. See Bul. 69, Rev., Pt. IV, p. 320.*

Revised Laws of 1905, ch. 21, pp. 353-354.

VINEGAR.

1757. "*Vinegar*" defined; standard. The term "vinegar" as used herein, shall be deemed to include any article or preparation designed or offered for sale or use as vinegar, or as a substitute thereof, or in imitation thereof.

No person shall sell as cider vinegar any article or preparation not wholly from pure apple juice.

The manufacture or sale of adulterated vinegar for use in any form in food is prohibited, and any vinegar shall be deemed adulterated—

1. If one hundred (100) cubic centimeters, as a temperature of twenty (20) degrees centigrade, shall contain less than four (4) grams of acetic acid.

2. If it contain any artificial coloring matter; or

3. If it contain any mineral acid, or any acid or product originating from the distillation of wood, or any poisonous metallic impurities, or any substances injurious to health; or

4. If it be cider vinegar and contains less than one and six-tenths (1.6) per centum of cider vinegar solids upon full evaporation at the temperature of boiling water.—*As amended April 23, 1907. General Laws of 1907, ch. 347, p. 484. See Bul. 69, Rev., Pt. IV, p. 321.*

1758. *Same—Branding.* No person shall sell vinegar, unless the receptacle in which it is kept for sale or sold, be plainly and conspicuously marked, in the English language, upon the head thereof by stencil, brand, or label, with the name of the kind of vinegar therein contained, its percentage of acetic acid, the name of the substances from which it is made, the name of the maker and the place of manufacture. The size of the letters and the figures in the marking herein required shall be not less than one inch in length when a barrel or larger size container be used, and when a keg or any wooden receptacle of less than barrel size be used the size of the letters and figures shall not be less than one-half inch in length; and if the receptacle consists of a bottle, jug or similar container, the data and information herein required shall be plainly printed, in English, with black ink, with type not smaller than eighteen point bold-faced Gothic capitals, upon a white label which shall be securely affixed upon the side of such receptacle.—*As amended April 23, 1907. General Laws of 1907, ch. 347, pp. 484-485. See Bul. 69, Rev., Pt. IV, p. 321.*

Revised Laws 1905, ch. 21, pp. 352-353.

MISSOURI.

GENERAL FOOD LAWS.

SEC. 1. *Adulterated or misbranded food or drug.* No person or persons, firm or association of persons, company or corporation shall, within this state, manufacture, produce, sell, offer or expose for sale, or have in his, their or its possession, with intent to sell, any article of food or drug which is adulterated or misbranded within the meaning of this act, or cause or procure the same to be done by others.

SEC. 2. *"Food" defined.* * * * The term "food," as used in this act, shall include all articles used for food, drink, confectionery or condiment by man or animal, whether simple, mixed or compound.

SEC. 4. *Adulteration defined.* Food shall be deemed to be adulterated: 1. If any substance or substances have been mixed with it so as to lower or depreciate or injuriously affect its strength, quality or purity. 2. If any substance or substances have been substituted wholly or in part for the article. 3. If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it. 4. If it is mixed, colored, coated, polished, powdered or stained in a manner whereby damage or inferiority is concealed; or if, by any means, it is made to appear to be better or of greater value than it really is. 5. If it contain any added substance which is poisonous or injurious to health: Provided, that when in the preparation of food products for shipment they are preserved by any external application, applied in such a manner that the preservative is necessarily removed mechanically or by maceration in water or otherwise, and directions for the removal of said preservative shall be printed on the covering of the package, the provisions of this act shall be construed as applying only when said products are ready for consumption. 6. If it consist wholly, or in part, of a diseased, filthy, decomposed, putrid, infected, tainted or rotten animal or vegetable substance, or any part or portion of an animal diseased or otherwise unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or of an animal that has died otherwise than by slaughter, and in case of meats, oysters or fish, sold or offered for sale in the fresh state, if such meats, oysters or fish shall have been inoculated, dusted, powdered, sprayed, rubbed, annointed, washed sprinkled fumigated or in any other manner treated with any of the substances declared deleterious or dangerous by this act, or any antiseptic or chemical preservative or dye stuff whatsoever, whose use and apparent purpose is to mask decomposition, or to give to the meat, oysters or fish a false appearance of freshness or quality. And in the case of dairy products, if any such product be drawn or produced from cows fed on unhealthy or unwholesome food, or on waste, slops, refuse, leavings or residue of any nature or kind from distilleries, breweries or vinegar factories, or on food in a state of putrefaction, or from cows diseased in any way. 7. If it contains methyl or wood alcohol in any of its forms. 8. If it be an imitation or sold as or for another article. 9. If, in the case of confectionery, it contains

terra alba, barytes, arsenic, talc, chrome yellow or other mineral substances, a poisonous color or flavor, or other ingredients deleterious or detrimental to health, or vinous, malt or spirituous liquor or narcotic drug; or 10. If it does not conform to the standard of strength, quality and purity now or hereafter to be established by the United States department of agriculture.

SEC. 5. *Definition of "misbranded."* The term "misbranded," as used in this act, shall apply to all drugs and articles of food, or articles which enter into the composition of drugs or food, the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to state, territory or country, in which it is made, manufactured, produced or grown, or as to the person, firm or corporation by whom it is made, manufactured, produced or grown.

SEC. 7. *Misbranded food defined.* In the case of food, as herein defined, an article shall also be deemed to be misbranded: 1. If it is an imitation of, or is offered for sale under the distinctive name of another article. 2. If it be labeled or branded, tagged, stenciled or marked so as to deceive the purchaser, or purport to be a foreign product when not so. 3. If the contents of the package, as originally put up, shall have been removed in whole, or in part, and other contents shall have been placed in such package. 4. If it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, heroin, cocaine, euaine (alpha or beta), chloroform, cannabis indica, chloral hydrate, acetanilid, or any derivative or preparation of any such substances contained therein. 5. If, in package form, and the contents are stated in terms of weight and measure, they are not plainly and correctly stated on the outside of the package. 6. If the package containing it, or its label, shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, device or design shall be false or misleading in any particular: Provided, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed misbranded in the following cases, viz.: (1) In the case of mixtures or compounds which may now, or from time to time hereafter, be known as articles of food under their own distinctive names and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the factory or place where said article has been manufactured or produced; (2) in the case of articles labeled, branded, stenciled or tagged so as to plainly indicate that they are mixtures, compounds, imitations or blends, and the word "mixture;" "compound," "imitation," or "blend," as the case may be, is plainly stated on the package or container in which they are offered for sale: Provided, that the term "blend" as used herein shall be construed to be a mixture of like substances; not excluding harmless coloring and flavoring ingredients used for the purpose of coloring and flavoring only, and, provided further, that nothing in this act shall be construed as requiring or compelling manufacturers of proprietary foods, which contain no unwholesome ingredient, or substance added to increase the bulk or weight of the finished product, to disclose their trade formulas, except in so far as the provisions of this act may require, to secure freedom from adulteration or misbranding.

SEC. 8. *Statements required by law shall be clearly printed on label.* If a statement of any of the ingredients of an article of food or drink, or of an article entering into food or drink, is required by law to be stated upon the label or package of such article, or is stated upon the label of such article,

whether required by law or not, such statement and the name and address of the manufacturer or vendor of the article shall be distinctly and conspicuously printed on the label or package in straight parallel lines of plain, uncondensed legible type, well spaced, on a plain ground. The statement of ingredients shall be clearly separated from and not interspaced or confused with other matter, shall specify each and every ingredient by its ordinary name and shall be in the English language. The letters of said type shall be as large as any printed matter on the label or package (except the name of the compound, or chief article named therein which may be in larger type), and shall not be smaller than 8-point Gothic caps: Provided, that in case the size of the package does not allow the use of type of such size, then the size may, with the approval of the dairy and food commissioner, be proportionately reduced. The required label shall be firmly attached to or printed on the exterior of the package or envelope of the said article, on the top or side thereof, and in plain sight; but the dairy and food commissioner may, in writing approve specific labels not strictly in accordance with the above provisions if it is his opinion that the information is set forth thereon clearly enough for the reasonable protection of the purchaser.

SEC. 9. *Labels.* Drugs or foods labeled in violation of the provisions of sections 5, 6, 7 and 8 shall be deemed to be misbranded within the meaning of this act. [Paragraph 6 on drugs is omitted.]

SEC. 10. *Label must remain intact.* No person, firm, association of persons or corporation shall deface, erase or remove any label or mark provided for in this act with intent to mislead, deceive, or violate any of the provisions of this act, nor cause the same to be done by others.

SEC. 11. *Sampling.* Every person, firm, association of persons or corporation manufacturing, offering or exposing for sale, or delivering to a purchaser, any drug or article of food included in the provisions of this act, upon application of any person or an inspector, analyst or other officer or agent of the state, and tender to such person, firm, association or corporation of the value thereof, shall furnish a sample for analysis of any such drug or article of food which is so in his or their possession.

SEC. 12. *Exemption under guaranty.* No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty, as provided for in the national food and drug act approved June 30, 1906, or a guaranty, signed by the wholesaler, jobber, manufacturer or other party, residing in the state of Missouri, or who shall have filed in the office of the dairy and food commissioner a designation of the name and residence of some competent person being and continuing a resident of this state, process served on whom shall be valid and [ac]-ceptable as personally served upon such party in any suit or proceeding under this act, from whom he purchased such articles, to the effect that the same are not adulterated or misbranded in the original unbroken packages, within the meaning of this act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act.

SEC. 13. *Employer responsible for agent in enforcing the act.* When construing and enforcing the provisions of this act, the act, omission or failure of any officer, agent or other person acting for or employed by any person, corporation, firm or association, within the scope of his employment or office, shall, in every case, be deemed to also be the act, omission or failure of such employer.

SEC. 14. *Violation of act, a misdemeanor; penalty; fines to be paid state treasurer.* Any person, firm, association or corporation who shall, within this state, manufacture or produce, offer or expose for sale, or shall sell or deliver, or have in his or their possession with intent to sell, any drug or food, as defined in this act, which is adulterated or misbranded within the meaning of this act, or who shall fail or refuse, upon the application of a proper person, and the tender to him of the value thereof, to deliver to such person a sample, sufficient for analysis, of any drug or article of food in his or their possession, as required by this act, or who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, be punished for every such offense by a fine not less than ten dollars nor more than five hundred dollars, or by imprisonment in the county jail not to exceed six months, or both such fine and imprisonment, and shall, in addition, be adjudged to pay all costs and expenses incurred in inspecting and analyzing such food or drug. All fines recovered under the provisions of this act shall be paid to the state treasurer.

SEC. 15. *Repeal.* All acts and parts of acts inconsistent with this act are hereby repealed.

Approved March 15, 1907. S. B. 47, pp. 238-242. Laws of 1907.

SEC. 1. *Appointment of dairy and food commissioner.* Within 30 days after this act shall take effect, the governor, by and with the advice and consent of the senate, shall appoint a suitable person to be dairy and food commissioner, which office is hereby created, and which commissioner so appointed shall hold office until the first day of February, 1909, and until his successor is appointed and qualified. At the next regular session of the legislature, and every four years thereafter, the governor, by and with the advice and consent of the senate, shall appoint a dairy and food commissioner, who shall hold office for a term of four years from the first day of February of the year of his appointment and until his successor is appointed and qualified. Said commissioner shall be subject to removal by the governor for cause, and in case of vacancy in said office from any cause the governor shall appoint another person to fill the same for the unexpired term.—*As amended March 22, 1907; Laws of 1907, S. B. 48, p. 246. See Bul. 69, Rev., Pt. IV, p. 335.*

SEC. 2. *Dairy and food commissioner to take oath and give bond; salary; headquarters.* Before entering upon the duties of his office, the person appointed as dairy and food commissioner shall make, subscribe and file in the office of the secretary of state, the oath of office prescribed by the Constitution and shall give bond to the state in the sum of ten thousand dollars, with sureties to be approved by the governor, conditioned for the faithful performance of his duties. Said commissioner shall receive a salary of two thousand dollars a year, payable in monthly installments, and his actual necessary traveling expenses while in the discharge of his official duties. He shall be provided with an office by the state board of agriculture at the seat of the state agricultural college.—*As amended March 22, 1907; Laws of 1907, S. B. 48, p. 247. See Bul. 69, Rev., Pt. IV, p. 336.*

SEC. 2a. *Appointment, duty, and salary of deputy and inspectors; state experiment station chemist to supervise chemical analyses.* The said commissioner shall have power to appoint a deputy, who shall have the same powers as the commissioner, and who shall receive a salary of twelve hundred dollars a year, payable monthly, and necessary traveling expenses. Said commissioner may also appoint, from time to time, such inspectors as the proper performance of the duties of his office may require, not exceeding six in number. They shall be paid at the rate of one thousand dollars per year for time actually em-

ployed, payable monthly, and actual expenses incident to the discharge of their duties. The persons so appointed shall have power to administer oaths in matters relative to the dairy and food laws, and shall have the same right of access to the places to be inspected as the said commissioner or his deputy. The said deputy and inspectors shall hold office during the pleasure of the commissioner, and shall take and subscribe the oath of office and give bond to the state in such sum and with such sureties as may be approved by the commissioner, conditioned for the faithful performance of their respective duties. The necessary chemical work of the office shall be done by or under the supervision of the chemist of the state experiment station.—*Added March 22, 1907. Laws of 1907, S. B. 48, p. 247. See Bul. 69, Rev., Pt. IV, p. 336.*

SEC. 10. *Duty of dairy and food commissioner.* It shall be the duty of the dairy and food commissioner to enforce all laws that now exist, or that may hereafter be enacted, regarding the production, manufacture or sale of dairy products, or the adulteration of any article of food or drug, or the misbranding of the same; and personally, or by his assistants, inspect any article of food or drug made or offered for sale in this state, which he may through himself or his assistants, suspect or have reason to believe are impure, unhealthful, adulterated or misbranded, and to prosecute, or cause to be prosecuted, any person or persons, firm or corporation engaged in the manufacture or sale of food or drugs, or dairy products, contrary to the laws of this state. Said commissioner shall make rules and regulations for carrying out the provisions of this act, and such rules and regulations shall conform as nearly as practicable to the rules and regulations at present established and which may hereafter be established for the enforcement of the act of congress approved June 30, 1906, and known as the "Food and drugs act."—*Added March 22, 1907. Laws of 1907, S. B., 48, p. 247. See Bul. 69, Rev., Pt. IV, p. 337.*

SEC. 11. *Samples must be analyzed upon request and deposit.* It shall be the duty of any officer entrusted with the enforcement of this act, when he is required thereto by any person, to purchase from the vendor of any article sold or exposed for sale a sample thereof, and submit it for analysis, in accordance with the provisions of this act: *Provided*, the person so requiring such purchase and analysis deposits with such officer, at the time such a demand is made, a sum of money sufficient to pay for such sample and analysis. If upon analysis such article is found to be adulterated, within the meaning of this act, such deposit shall be returned to him.—*Added March 22, 1907. Laws of 1907, S. B. 48, p. 248. See Bul. 69, Rev., Pt. IV, p. 337.*

SEC. 12. *Right of access for inspection; sampling; penalty.* The dairy and food commissioner, his deputy, or any one by him appointed, is hereby authorized and empowered to enter during business hours, in the performance of his duties, any factory, store, salesroom, warehouse, laboratory, drug store, or any other place where foods or drugs are stored or exposed for sale, or place where they have reason to believe such foods or drugs are kept or offered for sale; and he may, in lawful manner, procure samples of the said articles of food or drugs, or imitation thereof, suspected of being made or sold in violation of law, and cause the same to be analyzed or satisfactorily tested by the chemist of the state experiment station; and such analysis or test shall be recorded and preserved as evidence, and the certificate of such analysis or test, when sworn to by such chemist, shall be admitted as evidence of the facts therein contained in all prosecutions that may result from such violation: and it shall be the duty of said commissioner to make complaint of such violation in the proper county, and furnish the prosecuting attorney with the evidence

thereof, and obtain a conviction for the offense charged. And in the discharge of his duties said commissioner, his deputy and assistants, shall have power to open any cask, tub, jar, bottle or package containing, or supposed to contain, any article of food or drugs, and examine, or cause to be examined, the contents thereof, and take therefrom samples in the presence of at least one witness; and he shall, in the presence of such witness, mark or seal such samples, and shall tender at the time of taking, to the manufacturer or vendor of such food or drug, or to the person having the custody of the same, the value thereof; samples may be purchased in the open market or at [the] factory, and if in bulk, the marks, brands or tags upon the package, carton, wrapper or other container, and the accompanying printed or written matter shall be noted. The collector shall also note the names of the vendor and agent through whom the sale was actually made, together with the date of the purchase. Samples shall be divided into three equal parts; each part shall be labeled with identifying marks. One of the parts shall be delivered to the person from whom the purchase was made, or [if] a guaranty has been given, such part shall be delivered to the guarantor. One of the parts shall be sent to the chemist of the state experiment station and one part shall be held under seal by the commissioner. The parts of the sample so divided shall be sealed by the collector with a seal provided for that purpose. Any person who shall obstruct the commissioner, or any of his assistants, by refusing to allow him entrance to any place which he desires to enter in the discharge of his official duty, or refuse to deliver to him a sample of any article of food or drug made, sold, offered or exposed for sale by such person, when the same is requested, and when the value thereof is tendered, shall be guilty of a misdemeanor, punishable by a fine of not exceeding fifty (\$50) dollars for the first offense, and not exceeding five hundred (\$500) dollars, nor less than fifty (\$50) dollars, for each subsequent offense.—*Added March 22, 1907. Laws of 1907, S. B. 48, pp. 248-249. See Bul. 69, Rev., Pt. IV, p. 337.*

SEC. 13. *Duty of prosecuting attorney.* It shall be the duty of the prosecuting attorney in any county or city in the state, when called upon by the commissioner, or any of his assistants, to render any legal assistance in his power to execute the laws, and to prosecute cases arising under the provisions of this act.—*Added March 22, 1907. Laws of 1907, S. B. 48, p. 249. See Bul. 69, Rev., Pt. IV, p. 337.*

SEC. 14. *Prosecutions.* When the examination shows that the provisions of this act have been violated, the said commissioner shall first cause notice of such fact, together with a copy of the findings, to be given to the party or parties from whom the sample was obtained, and to the party, if any, whose name appears upon the label as manufacturer, packer, wholesaler, retailer or other dealer. The parties so notified shall be given opportunity to be heard under such rules and regulations as may be prescribed as aforesaid. Notice shall specify [the] date, hour and place of the hearing. The hearing shall be private and shall take place at the office of the commissioner, and the parties interested therein may appear in person or by attorney. If the party whose name appears upon the label resides without the state he shall be entitled to reasonable notice by mail, at such address as may, with due diligence, be obtained. If, after such hearing, it appear that said food, drug or dairy product is adulterated or misbranded, or is a substitute or an imitation within the meaning of any law providing against the adulteration, misbranding, imitation or substitution of food, drugs and dairy products, said commissioner, or his deputy, or any person by him duly authorized, shall seize such goods

and make complaint before any justice of the peace having jurisdiction in the city, village or township where such goods are seized; and thereupon such justice of the peace shall issue his summons to the persons from whom said goods were seized, directing him to appear not less than five nor more than ten days from the date of the issuing of said summons, and show cause why said goods should not be condemned and disposed of. If the said person from whom the said goods were taken or seized cannot be found, said summons shall be served upon the person then in possession of the goods. The said summons shall be served at least five days before the time for appearance mentioned therein. If the person from whom said goods were seized cannot be found, and no one can be found in possession of said goods, and the defendant shall not appear on the return day, then said justice of the peace shall proceed in said cause in the same manner provided by law where a writ of attachment is returned not personally served upon any of the defendants, and none of the defendants appears upon the return day. Unless cause to the contrary thereof be shown, or if said goods shall be found upon trial to be in violation of any of the provisions of this act or other laws which may now exist, or which may be hereafter enacted, it shall be the duty of said justice of the peace to render judgment that said seized property be forfeited to the state of Missouri, and that said goods be destroyed, or sold by said commissioner, for any purpose other than to be used for food. The mode of procedure before said justice shall be the same, as near as may be, as in civil proceedings before justices of the peace. Either parties may appeal to the circuit court as appeals are taken from justice courts, but it shall not be necessary for the state to give appeal bond. The proceeds arising from such sales shall be paid into the state treasury and credited to the general fund: *Provided*, that if the owner or party claiming the property or goods declared forfeited can produce and prove a written guaranty of purity, signed by the wholesaler, jobber, manufacturer or other person residing in this state, from whom said articles were purchased, then the proceeds of the sale of such articles, over and above the cost of seizure, forfeiture and sale, shall be paid over to such owner or claimant, to reimburse him, to the extent of such surplus, for his actual loss resulting from such seizure and forfeiture, as shown by the invoice.—*Added March 22, 1907. Laws of 1907, S. B. 48, pp. 249-250. See Bul. 69, Rev., Pt. IV, p. 337.*

SEC. 14a. *Decision of court published; repeal.* After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid. If an appeal be taken from the judgment of the court before such publication, notice of that fact shall accompany the publication.—*Added March 22, 1907. Laws of 1907, S. B. 48, p. 250. See Bul. 69, Rev., Pt. IV, p. 337.*

SEC. 15. *Annual report; monthly bulletin.* The commissioner shall make an annual report to the governor, on or before the first day of January of each year, which shall be printed and published. Such report shall cover the work of his office for the preceding year and shall show, among other things, the number of specimens of food products analyzed, and the report of the analyst upon each one when the analysis indicates the same to be contrary to law; the number of complaints entered against persons for violations of law relative to the adulteration and misbranding of food and drugs; the number of convictions had and the amount of fines imposed therefor; an account of the money received and expended by him and his assistants, together with such recommendations relative to the statutes in force as his experience may justify. The commissioner may also prepare, print and distribute a monthly bulletin containing the results of inspections, the results of analysis made, or caused to be made, with

proper explanations of the same, and such other information as may come to him in his official capacity, relating to the adulteration and misbranding of foods and drugs and of dairy products, so far as he may deem of benefit and advantage to the public; also a brief summary of the work done during the month by the commissioner and his assistants in the enforcement of the laws of the state; but not more than ten thousand copies of each of the monthly bulletins shall be printed, which printing shall be done by the state printer and shall be paid for in the same manner as other state printing.—*Added March 22, 1907. Laws of 1907, S. B. 48, p. 250. See Bul. 69, Rev., Pt. IV, p. 337.*

SEC. 16. *Appropriation.* For the purpose of carrying into effect the provisions of this act and of the act entitled "An act to create the office of state dairy commissioner, and to define his term of service, duties and powers," approved April 8, 1905, as amended by this act, there is hereby appropriated, out of the state treasury, chargeable to the general revenue fund, the sum of twenty-five thousand (\$25,000) dollars, or so much thereof as may be necessary for the payment of salaries and all expenses authorized by this act.—*Added March 22, 1907. Laws of 1907, S. B. 48, p. 250. See Bul. 69, Rev., Pt. IV, p. 337.*

SEC. 16a. *Articles on hand may be sold if branded.* All articles of foods and drugs in the hands of retailers and jobbers when this law goes into effect may be sold in the condition in which they are found, provided such articles are branded to the effect that the same were on hand July 1, 1907.—*Added March 22, 1907. Laws of 1907, S. B. 48, p. 251. See Bul. 69, Rev., Pt. IV, p. 337.*

SEC. 17. *Repeal.* All laws in conflict or inconsistent with, or repugnant to the provisions of this act, are hereby repealed.—*Added March 22, 1907. Laws of 1907, S. B. 48, p. 251. See Bul. 69, Rev., Pt. IV, p. 337.*

Approved April 8, 1905. Laws of 1905, (H. B. 300), pp. 133-135.

HONEY.

SEC. 1. *Inspector of apiaries; qualifications; duty.* The state board of agriculture of the state of Missouri shall appoint a state inspector of apiaries to aid and assist in the development and protection of the honey industry in the state of Missouri, and for the prevention and suppression of contagious or infectious diseases among honey bees, such as foul brood, black brood, paralysis, etc., which is said to exist at the present time among some of the apiaries of the state. Said inspector of apiaries shall be a practical apiarist, and shall give to the said board of agriculture, before his appointment, satisfactory evidence of his practical knowledge of handling bees and of their diseases, and shall hold his office for the term of two years, unless removed for cause.

SEC. 2. *Inspection of diseased hives.* Said inspector shall, when notified of the existence of the disease known as foul brood, or other infectious disease among apiaries, examine such reported apiaries and all others in the same locality, and if satisfied of the existence of foul brood, or any other infectious disease, shall give to the owner or person having charge of any such apiary full instructions as to the manner of treating them. Within a reasonable time after making the first examination, the inspector shall make a second examination, and if the conditions of any of the colonies affected is such as, in his judgment, renders it necessary, he may personally treat the disease, or, if in his opinion, it is necessary to prevent further spread of the disease, and the owner refuses to treat them according to the instructions of said inspector, then the inspector may burn or otherwise destroy such diseased bees, comb or other material that might cause the spread of the infection.

SEC. 3. *Right of access.* Said inspector shall have the right to enter any premises where bees are kept, for the performance of his duties.

SEC. 4. *Reports.* The inspector shall make a full report to the secretary of the board of agriculture at least once each year, stating the number of apiaries inspected, the number found to be diseased, and the number treated, and such other information as he may deem important. The secretary of the board of agriculture shall publish, in his annual report, or otherwise, such of the information as he deems of importance to the apiarists of the state.

SEC. 5. *Inspector's salary and expenses.* Said inspector shall receive four dollars for each day actually and necessarily spent in the performance of his duties, and shall be reimbursed for the money expended by him in defraying necessary traveling expenses: *Provided*, the total expenditure for such purposes shall not exceed one thousand dollars in any one year: *Provided further*, that the said inspector shall render to the board of agriculture an itemized account of his per diem and expenses, and upon approval of the same by the executive committee of the board of agriculture, the president and secretary of the board are instructed to draw a warrant upon any available funds for the amounts allowed.

SEC. 6. *Possession of diseased apiary, etc., or opposition to inspection, a misdemeanor; fine.* Any owner of a diseased apiary, or any person, persons, company or corporation who shall knowingly sell, barter, give away or import into this state any colony or colonies of bees, honey or other article infected with disease, or expose other bees to the danger of contracting such disease, or refuse to allow the apiary inspector to inspect or treat such apiary, honey or other articles so infected, or shall resist, impede or hinder him in any way in the discharge of his duties, under the provisions of this act, shall be guilty of a misdemeanor, and shall be fined not less than ten nor more than twenty-five dollars for each offense.

SEC. 7. *Effect.* It being necessary to treat the diseases herein provided for in the spring or summer, in order that satisfactory results may be obtained, creates an emergency within the meaning of the Constitution, and this act shall go into force and effect upon its passage and approval.

Approved March 8, 1907. Laws of 1907, S. B. 145, pp. 67-68.

RULES AND REGULATIONS.

REGULATION 1. *Guarantee of goods.* Any person or firm manufacturing or selling foods or drugs in this State, who desires, may guarantee such goods to the purchaser by filing an affidavit with this office, to the effect that all goods manufactured or sold by him are not misbranded or adulterated within the meaning of the law enacted by the forty-fourth general assembly of the State of Missouri, entitled "An act to prohibit the manufacture and sale of foods, drugs, medicines, beverages, and liquors, as defined in this act, which are adulterated or misbranded within the meaning of this act." To all who thus guarantee their goods, a serial number will be given, which will serve to notify the purchaser that the manufacturer or dealer has guaranteed to the State that his goods are so made and branded as to comply with the law.

R. M. WASHBURN,

Missouri Dairy and Food Commissioner.

COLUMBIA, Mo., July 1, 1907.

RULING I. *Stamping goods on hand.* This office is receiving many letters asking for more specific information regarding the stamping of goods now on hand.

It is held by this department that all goods now on hand may be sold at any time in their present condition and with the brands now on them; provided they be clearly stamped or branded with the words, "On hand July 1, 1907." Goods that are pure and truthfully labeled will always pass and therefore do not need to be stamped. The stamping of the case will suffice only where the article is sold in case quantities. A retailer receiving goods, the cases of which are stamped, should stamp the individual packages.

The point is this: The actual consumer must be given an opportunity to know that the goods he is consuming were put up before the present food and drug laws became effective.

RULING II. *Artificial coloring in vinegar.* In reply to the inquiries received relative to the use of artificial coloring matter for vinegars, this department must cite the inquirer to section 2283, Revised Statutes, 1899, Volume I, page 630, which reads: "All vinegar sold or offered for sale, exchange or delivery, shall be without artificial coloring or flavoring, etc." The standard recently adopted by the State of Missouri recognizes six vinegars, viz, cider, wine, malt, sugar, glucose, and spirit or distilled, yet in none of these is an artificial coloring recognized. Moreover, inasmuch as the only object the manufacturer or dealer can have in adding coloring matter to a naturally colorless vinegar, is to make it resemble cider or other colored vinegar; that is, to make the article appear better or of greater value than it really is; it will come under article 4, section 4, senate bill 47, page 238, session acts 1907, which reads: "Food shall be deemed to be adulterated: 4. If it is mixed, colored, coated, polished, powdered, or stained in a manner whereby damage or inferiority is concealed; or if by any means it is made to appear to be better or of greater value than it really is," therefore this department holds that all artificial coloring of vinegar is an adulteration and as such is prohibited. Labelling will not change the situation. The standards of strength must be maintained.

RULING III. *Extension of time on vinegar.* Realizing that a great many retail merchants all over the State have on hand quantities of artificially colored vinegar, which they purchased in good faith, and appreciating, too, that the manufacturers and jobbers have on hand large amounts which were made or purchased under contract, and in good faith, I herewith extend the time at which Ruling II shall go into effect. The manufacturers, jobbers, and wholesalers will be given until January 1, 1908, and the retailers until April 1, 1908, in which to work off goods now on hand and to fill contracts already made.

RULING IV. *Kind of color for butter.* Inasmuch as there are now on the market vegetable butter-colors which are known to be entirely harmless, and inasmuch as analine (coal tar) butter color has not yet been proven to be absolutely harmless, this department must regard as adulterated all butter in which an analine dye is used. This ruling will be in effect for all manufacturers in Missouri after October 1, 1907, and for both wholesalers and retailers, after April 1, 1908.

N. B.—By acts of Congress approved August 2, 1886, and May 9, 1902, butter may contain added coloring matter.

RULING V. *Color of oleomargarine.* In reply to the inquiries received relative to the sale of colored oleomargarine in this State, this department must cite the inquirers to section 4744, Revised Statutes, 1899, Volume II, page 1129, which defines an imitation or substitute for butter; also to section 4745, Revised Statutes, 1899, Volume II, pages 1129, 1130, which forbids the sale within

the State of a butter substitute (oleomargarine), which is in any way caused to be "yellow or any shade of yellow so that such substitute shall resemble yellow or any shade of genuine yellow butter;" moreover, inasmuch as the only object there can be in coloring oleomargarine to resemble natural yellow butter is to make it appear to be of greater value than it really is; it will come under article 4, section 4, senate bill 47, page 238, session acts 1907, which reads: "Food shall be deemed to be adulterated: 4. If it is mixed, colored, coated, polished, powdered, or stained in a manner whereby damage or inferiority is concealed; or if by any means it is made to appear to be better or of greater value than it really is," therefore this department holds as adulterated all oleomargarine or butter substitute which is so made as to be yellow, resembling genuine yellow butter; and as such its sale is prohibited in the State of Missouri. This ruling will go into effect October 1, 1907.

The United States standards of purity for food products, contained in Circular 19 of the Office of the Secretary of the U. S. Department of Agriculture, have been adopted.

MONTANA.

GENERAL FOOD LAWS.

SEC. 1. *Sale of adulterated articles prohibited.* No person shall sell, or offer for sale, any adulterated drug or substance to be used in the manner of medicine or any adulterated article of food or substance to be used in the manner of food or drink.

SEC. 3. *Adulterated food or drink.* If any food or substance to be eaten or used in the manner of food or drink contains a less quantity of any valuable constituent than is contained in the genuine article, weight for weight, or contains any substance foreign to the well known article under whose name it is sold, or is colored, coated, polished or powdered, whereby damage is concealed, or contains any added poisonous ingredient, or consists wholly or partly of any decomposed, putrid or deceased [diseased?] substance, or has become offensive or injured from age or improper care, it shall be deemed to be adulterated within the meaning of this Chapter.

SEC. 4. *Penalty for sale of adulterated article.* Whoever adulterates, for the purpose of sale, any article of food or drink, drug or medicine, or knowingly sells any adulterated article of food or drink, or drug, or medicine, or any kind of deceased [diseased ?] or unwholesome provisions, as defined in this Chapter, shall be imprisoned not exceeding one year in the county jail, or be fined not exceeding four hundred (\$400.00) dollars, or both such fine and imprisonment.

SEC. 9. *Sampling.* Every person offering or exposing for sale any drug or article of food, within the meaning of this Chapter, shall furnish to any analyst, or other officer duly appointed for the purpose, who shall apply to him for the same and tender him its value in money, a sample sufficient for the purpose of analysis of such drug or article of food.

SEC. 10. *Suspected samples inspected on request.* Any person who has reason to doubt the purity or genuineness of any article of food which he has purchased may send a sealed sample of it to the chemical department of any of the State Institutions for inspection and analysis without cost. If, upon examination, the article appears to be adulterated, the county attorney may obtain a certified sample of it, and, should this sample prove to be adulterated, the county attorney shall begin proceedings at once against the vendor.

SEC. 11. *Interference.* Whoever hinders, obstructs, or in any way interferes with any inspector, analyst or other officer duly appointed hereunder, in the performance of his duty, shall be fined not exceeding fifty (\$50.00) dollars for the first offense, and one hundred (\$100.00) dollars for each subsequent offense.

SEC. 12. *Analyst to reserve portion of sample.* Before commencing the analysis of a sample, the analyst shall reserve a portion which shall be sealed, and, in case of complaint or indictment, part of the reserved portion of the sample alleged to be adulterated shall, upon application, be delivered to the defendant

or his attorney and part to the county attorney in the county where the complaint or indictment is found.

SEC. 13. *Adulteration of liquors; penalty.* Whoever adulterates, for the purpose of sale, any liquor used or intended for drink, cocculus, indicus, vitrol, [vitriol?] grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, brazil wood, cochineal, sugar of lead, or any other substance which is poisonous or injurious to health, or knowingly sells any such liquor so adulterated, shall be fined not exceeding one thousand (\$1000.00) dollars, or be imprisoned for not exceeding one year in the county jail, or both such fine and imprisonment.

SEC. 14. *Slaughter of calves; penalty.* Whoever kills, or causes to be killed, for the purpose of sale, a calf less than four weeks old, or knowingly sells or has in his possession, with intent to sell for food, the meat of such calf, shall be fined not exceeding fifty (\$50.00) dollars, or be imprisoned not exceeding thirty days in the county jail, or both such fine and imprisonment.

SEC. 15. *Unwholesome provisions to be forfeited.* Any meat, unwholesome provisions or articles sold, kept or offered for sale, and any articles adulterating ^a in violation of any of the preceding section, shall be forfeited.

SEC. 17. *Penalty.* Any person who shall violate any of the provisions of the preceding sections of this Act shall on conviction thereof, be fined not less than ten dollars nor more than one hundred dollars and each article, barrel or package sold in violation of this Act shall constitute a separate offense.

SEC. 19. *Prosecuting attorney to represent people in court.* It is hereby made the duty of the prosecuting attorneys of this state to appear for the people and to attend to the prosecution of all complaints under this Act in all the courts in their respective counties.

SEC. 20. *Exemption.* All goods purchased before March 1, 1907, by wholesale or retail dealers of this State only, are exempt from the provisions of this bill until January 1, 1908.- This exemption is held to extend to stocks of goods in the hands of the original manufactures ^a or packers of this state, contracted before March 1, 1907, and to the goods exempt under this section, no matter how many times they change hands, provided that all such goods shall contain their true brand or formula.

SEC. 21. *Repeal.* All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 22. *Effect.* This Act to take effect and be in force on and after its passage and approval.

Approved March 8, 1907. Laws of 1907, ch. 175, pp. 466-471.

SEC. 1. *Adulterated food prohibited; guaranty to be posted.* If a proprietor, manager or other person having the management of any hotel, resturant [restaurant?] or boarding-house in the State of Montana shall serve or cause to be served upon the tables to his or their guests any article of food known to said proprietor or manager of said hotel, restaurant or boarding-house, to be adulterated, he shall be guilty of a violation of this Act, unless he or they shall have posted, hung up and maintain in his or their public office and in his or their dining room, in a conspicuous place in full view of his or their guests, a large red, card board sign, the size of which shall be twelve (12) inches in width, the words printed thereon in large, bold, black letters of the size of not less than seventy-two point type, "We Serve On Our Tables, No Food Stuff's Which Have Been Harmfully Adulterated," Be it further provided that

^a So in Statutes.

the original labels shall always be maintained and kept upon the can, carton, box, bottle, barrel or other receptacle containing any such goods which may be used for foods, until all of the contents of such cans, boxes, cartons, bottles, barrels or any other receptacle containing any such food stuffs shall have been used or totally destroyed.

SEC. 2. *Failure to post guaranty cards, a misdemeanor; penalty.* For failure to put up and maintain such cards continuously in said public offices and dining rooms heretofore mentioned, or to maintain the labels as this Act directs, the proprietor or manager guilty of such failure shall be guilty of a violation thereof, the penalty for which shall be, for the first offense a fine of Two Hundred Dollars (\$200) and costs of court for the prosecution of the said cause; for the second offense a fine of Three Hundred Dollars (\$300) together with court costs and a term of not less than three months nor more than six months in the County Jail; for the third offense, a fine of Six Hundred Dollars (\$600) and court costs, and a term in the State Prison for a period of not less than one year nor more than three years.

SEC. 3. *Prima facie evidence; right of access for inspection.* Any canned goods or food stuffs purchased at the stores in Montana, or from any wholesale or retail stores in the United States which are labeled as being adulterated and served to their guests or stored upon the premises occupied by them shall be prima facie evidence of the guilt of such hotel, restaurant [restaurant?] or boarding-house proprietor or manager if such cards are not displayed as heretofore directed.

Any state chemist or any sheriff or any of his deputies shall at all times have free and peaceable access during business hours in the store-room, kitchen, or any other place where foods are stored or kept by the proprietor or manager aforesaid, for the purpose of ascertaining the quality and brands of the goods used by said proprietor or manager.

SEC. 4. *Repeal.* All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 5. *Effect.* This Act shall take effect and be in force from and after May first, 1907.

Approved March 8, 1907. Laws of 1907, ch. 169, pp. 432-433.

ALCOHOLIC BEVERAGES.

See General Food Law, page 132.

DAIRY PRODUCTS.

4064 I. *License for sale of oleomargarine, etc.* Every person, company or corporation selling oleomargarine, butterine, or imitation of cheese, shall pay a license of one cent per pound for all these articles sold.—*As amended February 20, 1907. Laws of 1907, ch. 22, p. 37. See Bul. 69, Rev., Pt. IV, p. 341.*

Political Code, 1895, vol. 2, subsec. 13, p. 557.

MAPLE PRODUCTS AND VINEGAR.

SEC. 5. *Products of maple sap.* No person shall sell, expose for sale, exchange, barter, or deal in any article as and for maple sugar, maple candy or maple syrup unless the same shall be sugar, candy or syrup made solely from the sap of the maple tree.

SEC. 6. *Cider vinegar; standard.* No person shall sell or expose for sale, exchange, barter or deal in any article as and for cider vinegar, unless the

same shall be vinegar made solely from cider made of apples, and shall have an acidity equal to the presence of not less than four (4%) per cent by weight of absolute acetic acid, and shall contain not less than 1.6 by weight of apple solids.

SEC. 7. *Misbranding of maple products and vinegar prohibited.* No person shall have in his possession for sale, exchange, or barter, any article which is not maple sugar, maple candy or maple syrup, or which is not cider vinegar, as those articles are defined in the two preceding sections, which is labeled, marked or represented to be maple sugar, maple candy, maple syrup or cider vinegar, and no vinegar shall be sold to contain over five (5%) per cent, by weight, of absolute acetic acid.

SEC. 8. *Penalty.* Any person, who shall violate any of the provisions of the three preceding sections, shall be fined not less than ten (\$10.00) dollars, nor more than fifty (\$50.00) dollars.

Approved March 8, 1907. Laws of 1907, ch. 175, pp. 467-468.

MEAT.

See General Food Law, page 132.

WATER.

SEC. 1. *General inspection and records.* The State Board of Health shall have the general oversight and care of all inland waters and of all streams, lakes and ponds used by any City, Town or Public Institution or by any water or ice company in this State as sources of water supply for domestic use, and of all springs, streams and water courses tributary thereto. It shall be provided with maps, plans and documents suitable for such purposes and shall keep records of all its transactions relative thereto.

SEC. 2. *Examination and sanitary protection.* Said State Board of Health may cause examinations of waters to be made to ascertain their purity and fitness for domestic use or their liability to impair the interests of the public or of persons lawfully using them or to imperil the public health. It may make rules and regulations to prevent pollution and to secure the sanitary protection, of all such waters as are used for domestic purposes.

SEC. 3. *The publication of orders, etc.* The publication of an order, rule or regulation made by the State Board of Health under the provisions of this Act in a newspaper of the City or Town in which such order, rule or regulation is to take effect or, if no newspaper is published in such City or Town, the posting of a copy of such order, rule or regulation in a public place in such City or Town shall be legal notice to all persons, and an affidavit of such publication or posting by the person causing such notice to be published or posted, filed and recorded, with a copy of the notice, in the office of the clerk of such city or town shall be admitted as evidence of the time at which, and the place and manner in which the notice was given.

SEC. 4. *Inspectors.* Said State Board of Health may appoint, employ and fix the compensation of such agents, clerks, servants, engineers and expert assistants as it considers necessary. Such agents and servants shall cause the provisions of law relative to the pollution of water and of the rule and regulations of said Board to be enforced.

SEC. 5. *Proposed systems of water shall be submitted to board for approval; definition.* Said Board shall consult with and advise the authorities of Cities and Towns and persons having, or about to have, systems of water supply, drain-

age and sewerage as to the most appropriate source of water supply, and the best method of assuring its purity or as to the best method of disposing of their drainage or sewage with reference to the existing and future needs of other Cities, Towns or persons which may be affected thereby. It shall also consult with and advise all corporations, companies or persons engaged or intending to engage in any manufacturing or other business whose drainage or sewage may tend to pollute any inland water as to the best method of preventing such pollution, and it may conduct experiments to determine the best methods of the purification or disposal of drainage or sewage. Cities, Towns and all other corporations, companies or persons shall submit to said Board for its advice and approval their proposed system of water supply or of the disposal of drainage or sewage and no City, Town or persons or company shall proceed to build or install or enlarge or extend any system of water supply, drainage or sewage disposal, without first obtaining the approval of the State Board of Health. In this Section, the term, "drainage" means rainfall, surface and sub-soil water only and "sewage" means domestic and manufacturing filth and waste.

SEC. 6. *Pollution of water prohibited.* No sewage, drainage, refuse or polluting matter, of such kind and amount as either, of itself or in connection with other matter, will corrupt, pollute or impair the quality of the water of any spring, pond, lake or stream used as a source of water or ice supply by a City, Town or public institution or water or ice company for domestic use, or render it injurious to health, and no human excrement, shall be discharged into any such stream, spring, lake or pond or upon their banks or into any feeders of such spring, lake, pond or stream unless such sewage, drainage, refuse or polluting water shall have been purified, so as to render it harmless in such a manner and under such conditions and restrictions as the State Board of Health may direct.

SEC. 7. *Water sheds to be protected from pollution; plans to be approved by board.* No municipal or other public or private corporation and no company or person shall hereafter construct, build, establish or operate any railroad, logging road, logging camp, electric plant or manufacturing plant of any kind upon or over any water shed of any public water supply system, unless such corporation, company or person shall protect said water supply from pollution by such sanitary precautions as shall be approved by the State Board of Health, and any such corporation, company or person intending to construct, build or establish or operate any railroad, logging road, logging camp, electric plant or manufacturing plant of any kind upon the water shed of any public water supply system, shall furnish the State Board of Health with detailed plans and specifications of the sanitary precautions to be taken, which must be approved by said Board.

SEC. 8. *Complaints of pollution to be investigated by board.* Upon complaint to the State Board of Health of ^a the Mayor or Health officer of any City or Town or the managing Board or officer of any public institution or the President of an ice company stating that manure, excrement, garbage, sewage or any other matter which pollutes or tends to pollute the waters of any Lake, Pond, Spring, Stream or water course used by such City, Town, Public Institution or Company as a source of water supply, the said Board shall cause a thorough investigation to be made of such alleged nuisance or pollution, and if, in its judgment, the public health so requires, shall by order served upon the party causing or permitting such pollution, prohibit the continuance of such pollution and shall order him to remove any such cause of pollution.

^a So in Statutes.

SEC. 9. *Inspection of buildings, etc.* The Agents and Servants of said Board may enter any building, structure or premises for the purpose of ascertaining whether sources of pollution or danger to the water supply there exist, and whether the rules, regulations and orders aforesaid are obeyed.

SEC. 10. *Appeal.* Whoever is aggrieved by any order of the State Board of Health passed under the provisions of this act may appeal therefrom to the District Court of the County in which such order shall be effective. But such notice as the Court shall order shall also be given to the Mayor of the City or Town or President of the Water Company or any other persons interested in such order. While the appeal is pending the order of the State Board of Health shall be complied with unless otherwise authorized by the State Board of Health.

SEC. 11. *District court to have jurisdiction in equity.* The District Court of any county of the State shall have jurisdiction in equity upon the application of the State Board of Health or of any person interested, to enforce its orders or the orders, rules and regulations of said Board of Health, and to restrain the use or occupation of the premises or such portion thereof as said Board may specify, on which said material is deposited or kept, or such other cause of pollution exists, until the orders, rules and regulations of said Board have been complied with.

SEC. 12. *Experimental station for the study of sanitation.* In order that the State Board of Health may at all times be prepared to give the best advice to cities, towns, public institutions or private corporations relative to the prevention or removal of pollutions of water, said Board is hereby authorized to establish and maintain an experimental station for the purpose of studying the best methods of preventing pollution of water and for the purification of water and for the purification, disinfection and disposal of sewage and domestic and manufacturing waste so as to prevent pollution of water, and said Board is authorized to cause sanitary methods and system in use outside of the State of Montana to be investigated and studied with a view of ascertaining their fitness for conditions in this State.

SEC. 13. *Reports.* The State Board of Health shall biennially make a report to the Legislature, through the Governor, of its doings for the preceding period, recommend measures for the prevention of the pollution of such waters and for the removal of polluting substance in order to protect and develop the rights and property of the state and municipalities therein and to protect the public health, and recommend any legislation or plans for systems of main sewers necessary for the preservation of the public health and for the purification and prevention of pollution of the ponds, lakes, springs and inland waters of the State. It shall also give notice to the Attorney General of any violation of law relative to the pollution of water supplies and inland waters.

SEC. 14. *Violation of the act a misdemeanor; penalty.* Whoever violates any of the provisions of this Act or any rule, regulation or order of the State Board of Health made under the provisions of this act shall be punished for each offense by a fine of not more than one thousand dollars or by imprisonment for not more than one year or by both such fine and imprisonment.

SEC. 15. *Repeal.* All Acts and parts of acts in conflict herewith are hereby repealed.

SEC. 16. *Effect.* This act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1907. Laws of 1907, ch. 177, pp. 474-479.

NEBRASKA.

GENERAL FOOD LAWS.

SEC. 144. *Power given to cities.* In addition to the powers herein granted, cities governed by this act ^a shall have power by ordinance:

VII. * * * To provide for, license, and regulate the inspection and sale of meats, flour, poultry, fish, milk, vegetables and all other provisions or articles of food exposed or offered for sale in the city, and to prescribe the weight and quality of bread exposed or offered for sale in the loaf. Also to provide for the inspection of weights and measures or weighing apparatus.

Approved April 6, 1907. Laws of 1907, ch. 8, p. 66.

SEC. 1. *Food, dairy, and drug commission.* There is hereby created a Food, Dairy and Drug Commission for the State of Nebraska, for which the usual facilities for transacting its business and carrying out the provisions of this act shall be furnished, the same as for other executive departments of the state government.

SEC. 2. *Governor made commissioner; duty; deputy commissioner; duty; qualifications; salary.* The Governor of this State is hereby made the Food, Drug and Dairy Commissioner of said Commission and there is hereby devolved upon him the duty of executing all the provisions of this act and all other acts in force or which may be hereafter enacted relating to food, drug and dairy products; and to facilitate him in the discharge of his duties he is hereby required to appoint a Deputy Commissioner who shall receive a salary of eighteen hundred dollars (\$1800) per annum. Said Deputy Commissioner shall keep an accurate account of the expenses of his office and file monthly itemized statements of such expenses with the Auditor of Public Accounts; he shall hold his office at the pleasure of the Governor, and shall aid him in discharging the duties which devolve upon said food, drug and dairy commissioner. He shall be a person of standing, skill, ability and knowledge concerning chemistry, drugs, food products and dairy products.

SEC. 3. *Deputy to appoint other officers; salaries; reports; certified list of adulterants.* Said Deputy Commissioner shall give bond in the sum of three thousand dollars (\$3,000) to be approved by the Governor. He shall be authorized to employ a stenographer at a salary of seventy dollars (\$70.00) per month; and he may, with the approval of the Governor, appoint a Chemist at a salary of fifteen hundred dollars (\$1500) per annum. It shall be the duty of said chemist to make full analyses of all samples of food, drug and dairy products submitted to him for that purpose by said commissioner or his deputy and make and preserve in his office at the time a full and complete record thereof. A true copy of said record certified by said chemist shall be deemed and

^a Metropolitan cities.

received as prima facie evidence of the facts in said record recited. The Deputy Commissioner may, with the approval of the Governor, appoint not to exceed two Drug and Food Inspectors, and not to exceed four dairy inspectors. It shall be the duty of said dairy inspectors to inspect farm dairies, milk and cream receiving stations, creameries, factories, and places where dairy products are produced, handled, tested, manufactured, sold or offered for sale, and all utensils, machinery, appliances, implements or methods used or employed in connection therewith. Said food, drug and dairy inspectors and each of them shall hold their respective positions at the pleasure of the Governor and shall receive as compensation for their services not to exceed the sum of \$3 per day in addition to their actual and necessary traveling expenses. The Deputy Commissioner shall make an annual report to the Governor the same as other state officers, on or before the first day of November of each year, giving in a concise manner in said report a full statement of the conditions of the foods, drugs and dairy products of the state, and accounting for all receipts and disbursements of his office. Said report shall be printed and published and distributed the same as reports of other state officers, and in June and December of each year said deputy shall furnish to the clerk of each county of the state a certified list of all adulterated foods, food products, liquors, beverages, medicines and remedies as found by any analysis, showing the name and brand of the article, the manufacturer, and the name of the injurious adulterant. Said list shall at all times be subject to public inspection.

SEC. 4. *Samples may be taken on payment.* The Deputy Commissioner, Inspectors or any person by said Deputy Commissioner duly appointed for that purpose, is at all times authorized upon paying therefor the full value thereof to the person entitled thereto, to seize or take possession of samples of any and all liquors, beverages, medicines, remedies, and all foods, drugs or substitutes therefor or imitations thereof kept for sale, exposed for sale, or held in possession or under the control of any person which, in the opinion of the Deputy Commissioner, Inspectors or any such person by him duly appointed, shall be contrary to the provisions of this act, and if on analysis of such samples they are found to be adulterated or misbranded within the meaning of this act then the remainder of said articles may be seized by said officers.

First. *Disposal of samples.* The person making such seizure as aforesaid shall take from such goods as seized, three samples, two samples to be delivered to the State Chemist, and the other sample so taken shall be preserved in the laboratory of the Commission, and upon application, be delivered to any defendant in any prosecution under this act when applied for by his attorney. All the aforesaid samples to be sealed when taken.

Second. *Refusal to sell samples.* That any person who shall obstruct the Deputy Commissioner, Inspectors, or any person by him duly appointed, by refusing to allow entrance to any place where he is authorized to enter in the discharge of his official duty, or refuses to deliver to him sufficient samples for the analysis of any liquors, beverages, medicines, remedies, or food or drug, grown, manufactured for sale, sold or offered for sale, or in his possession for the purpose of sale, where the same may be found, when the same is requested, and when the value thereof is tendered, shall be punished as hereinafter provided.

SEC. 5. *Violation of act prosecuted.* If it shall appear from the report of the Chemist or otherwise that any of the provisions of this act have been violated, the Deputy Commissioner shall certify the facts to the proper County Attorney with a copy of the results of the analysis, duly authenticated by the Chemist under oath. It shall be the duty of every County Attorney to whom the Deputy Commissioner shall report any violation of this act, to cause proceed-

ings to be commenced and prosecuted without delay for the recovery of the fines and penalties in such cases provided.

SEC. 6. *Terms "drug" and "food" defined.* The term "drug" as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary for the internal or external use, and any substances or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or animals. The term "food" as used herein, shall include all articles used for food, drink, confectionery or condiment by man or animals, whether simple, mixed or compound.

SEC. 7. *Adulteration defined.* For the purpose of this act an article shall be deemed to be adulterated.

In the case of confectionery:

If it contains terra alba, barytes, talc, chrome yellow, parafine^a or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug, in the case of icecream,^a if it does not contain at least fourteen per cent butter fat, finish, and of fruit cream twelve per cent butter fat, finish, and, if it contain any ingredient deleterious or detrimental to health.

In the case of food:

First. If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in any manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health. *Provided:* That when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering of the package, the provisions of this act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

SEC. 8. *Definition of "misbranded."* The term "misbranded" as used herein, shall apply to all drugs, malt, spirituous or vinous liquors, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product, or malt, spirituous or vinous liquor, which is falsely branded as to the State, Territory, place, or country in which it is manufactured or produced.

For the purpose of this act an article shall also be deemed to be misbranded:

* * *

In the case of food, or malt, spirituous or vinous liquors:

First, if it be an imitation of or offered for sale under the distinctive name of another article.

^a So in Statutes.

Second, If it be labeled or branded so as to deceive or mislead the purchaser or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, phenacetin (acetphenetidine), antipyrine, or any other of the coal tar preparations, belladonna, or any derivative preparation of any such substances contained therein.

Third. If sold for use in Nebraska and in package form other than canned goods, contents, weight, or measure are not correctly stated on the outside of the package. *Provided*, however, this provision shall not apply to packages put up by the retailer. In the case of liquids, other than medicines, if the true quantity in container thereof is not correctly stated thereon.

Fourth. If the package containing it, or the label thereon, shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular. In case of food products if there be contained in the package any gifts, premiums or prizes. *Provided*, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixture of ^a compounds which may be now or from time to time hereafter, known as articles of food, under their own distinctive ^a names, and not an imitation ^a of, or offered for sale, under the distinctive ^a names of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced, and the ingredients composing said food.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitation,^a or blends, and the word "Compound," "Imitation" ^a or "Blend," as the case may be, is plainly stated on the package in which it is offered for sale, and the ingredients composing said articles; provided, that the term "Blend" as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for any purpose of coloring and flavoring only; provided, that nothing in this section shall be construed to apply to the compounding of family or domestic recipes; the dispensing of prescriptions written by regularly licensed physicians, veterinary surgeons or dentists and kept on file with the dispensing pharmacist, nor to such drugs as are recognized in the United States Pharmacopoeia, The American Homeopathic Pharmacopoeis,^a and the National Formulary, and which are sold under the name by which they are recognized, and provided further that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added or deleterious ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding. *And provided further*, that in any prosecution for the violation of any provision of this act relative to the manufacture, possession, or sale of any alleged, adulterated, or misbranded drugs, medicines or food stuffs, shall be a defense for the defendant to prove that the articles described in the complaint were in his possession as a part of his stock in trade in this state on or before May first, 1907.

SEC. 9. *Exemption.* No dealer shall be prosecuted under the provisions of this act when he can establish a bona fide guaranty signed by the wholesaler,

^a So in Statutes.

jobber, or manufacturer, in this state, from whom he purchased such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it, and that he had no knowledge of such adulterations or misbrand^a at the time the same was purchased. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act.

SEC. 10. *Confiscation.* Any article of food or drug, as defined in this Act, which is condemned as being adulterated or misbranded, unclean, unwholesome, or of a poisonous or deleterious character, within the meaning of this act, the same shall be disposed of by destruction or sale, as the court may direct, before whom the person or persons, company or corporation in whose possession or ownership the said condemned article was found, was or were convicted, and the proceeds of such condemned article, if sold, less the legal costs and charges, shall be paid into the Treasury of the State, but such article shall not be sold in the jurisdiction of the Court, or in any part of the State, to be used contrary to the provisions of this act, or any other laws of this state.

SEC. 11. *Definition of "person."* The word "person," as used in this Act, shall be construed to import both the singular and the plural, as the case may demands,^a and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this Act, the act, omission or failure of any officer, agent or any other person acting for or employed by any corporation, company, society or association, within the scope of employment of his office, shall in every case be also deemed to be the act, omission or failure of such corporation, company, society or association as well as that of the person.

SEC. 22. *Sale of adulterated or misbranded food, drug, or beverage, unlawful.* No person shall within this state manufacture for sale therein, or have in his possession with intent to sell, offer or expose for sale, or sell any liquors, beverages, remedies, medicines, or article of food or drug which is adulterated or misbranded within the meaning of this act.

SEC. 23. *Penalty.* Any person violating any provision of this act shall upon conviction thereof be fined in a sum not less than \$10.00 nor more than \$100.00 at the discretion of the court, and shall pay the costs of prosecution and stand committed to the common jail until said fine and costs are paid; And in addition thereto the license, permit and appointment of any inspector or tester who shall have been convicted of any violation of Section XX of this act shall ipso facto be revoked, and in the event he is in the service of said commission he shall forthwith be dishonorably discharged therefrom.

In all prosecutions under this act it shall be a defense if the defendant shall prove said goods were in the state of Nebraska on the first day of April 1907.

SEC. 24. *Repeal.* Chapter 33 of the Compiled Statutes of Nebraska, Edition of 1903, entitled "Food Commission," and Section 234, 240a, 240b, 240c, 240d, and 240e of the Criminal Code of the State of Nebraska, be and the same is hereby repealed.

Approved April 5, 1907. Laws of 1907, ch. 63, pp. 243-256.

CONFECTIONERY.

See General Food Law, page 139.

^a So in Statutes.

DAIRY PRODUCTS.

SEC. 12. *Duties of deputy commissioner.* The said Commissioner Deputy shall, as far as his time permits, act on such reports and complaints as he may receive from owners or managers of creameries, cheese factories, farmers and others who are interested in dairy products, wherein are reported to him any violations of this act, or conditions which result in making or rendering dairy products used or to be used for dairy, food or commercial purposes unclean or unwholesome; and take such action thereon as may be permitted by this Act, or he may deem necessary and proper for improving and advancing the best interests of the dairy industry in this state. He shall also each month make to the Governor a concise report of his transactions as such Deputy Commissioner, and make such recommendations in the premises as he shall deem proper and for the better perfection and encouragement of said industry. It shall be the duty of said Deputy Commissioner and his assistants to inspect farm dairies, milk and cream receiving stations, creameries, factories, and places where dairy products are produced, handled, tested, manufactured, sold or offered for sale; and all utensils, machinery, appliances, implements and methods used or employed in connection therewith.

SEC. 13. *Collection and disposal of samples; hindrance.* Said Deputy Commissioner and his assistants shall have full access, ingress and egress to and from all places where dairy products intended for sale are produced, manufactured, stored, transported, kept or offered for sale. They shall also have power and authority to open any package, can or vessel containing such products, and may inspect the same and take true samples therefrom for analysis upon paying therefor the full value thereof to the party entitled thereto. Each sample so taken shall be divided into three parts each equal to the other in amount and quality, two of said parts to be delivered to the chemist of said commission, the sample so taken to be preserved in the office of the commissioner, and upon application delivered to the person or persons from whom taken when applied for by him, his agent or attorney. *Provided:* That said samples shall each be carefully sealed when taken.

It shall be unlawful for any person or persons to obstruct, hinder or delay said Deputy Commissioner or his assistants in the discharge of any of his official duties.

SEC. 14. *County attorney shall prosecute.* If it shall appear from the report of the chemist, report of said dairy inspector, or otherwise, that any of the provisions of this act have been violated the Deputy Commissioner shall certify the facts to the proper county attorney with a copy of the result of the analysis, if any has been made, duly authenticated by the chemist under oath. It shall be the duty of every county attorney to whom the Deputy Commissioner shall report any violations of this act or any other acts relating to dairy products to cause proceedings to be commenced in the name of the state of Nebraska and prosecute the same without delay for the recovery of any fines and penalties in such cases provided.

SEC. 15. *Definitions.* Every person who in any manner produces imitation butter or imitation cheese shall be considered a manufacturer thereof. Any person who sells imitation butter or imitation cheese in packages or quantities containing more than ten pounds shall be deemed a wholesale dealer thereof. Any person who deals in imitation butter or imitation cheese in packages containing less than ten pounds each shall be deemed a retail dealer thereof.

The word "creamery" as used in this act is hereby defined as a factory where cream or milk from two or more dairy herds with or without the addition of salt and coloring matter, is churned into butter. The term "cheese

factory" as used in this act is hereby defined to be a factory where milk from two or more herds with or without the addition of salt and coloring matter, is manufactured into cheese. The term "to test milk or cream" as used in this act is hereby defined as the process or method by which the percentage of butter fat in said milk or cream is determined.

SEC. 16. *Permits for handling imitation butter and testing milk and cream.* It is hereby made unlawful for any manufacturer, wholesale dealer or retail dealer in imitation butter or imitation cheese, or both, to enter upon or engage in the business of producing, manufacturing, handling or selling imitation butter or imitation cheese without first procuring from said Commission a permit describing the occupation and place of business of the person engaged in the same, which permit shall expire on the thirtieth day of June following its issuance, unless sooner revoked. It is hereby made unlawful to operate any creamery or cheese factory, or both, without first securing from said Commission a permit, in which permit shall be described the place of business of the applicant and the business to be conducted under said permit.

It is hereby made unlawful for any person to test milk or cream at any milk or cream receiving station or at any place where milk or cream is received and tested for commercial purposes without first securing a permit issued by the said commission. Said commission is hereby authorized to issue a permit to test milk or cream to any person making application therefor as may on examination be found competent to test milk and cream. Said examination shall be given under the direction of said commission at convenient places therefor throughout the state.

SEC. 17. *Cost of permits.* For permits issued in connection with this act there shall be charged and collected annually as follows: From each manufacturer of imitation butter or imitation cheese, the sum of \$50; from each wholesale dealer in imitation butter or imitation cheese, \$25; from each retail dealer in imitation butter or imitation cheese, \$10; from each creamery or cheese factory, \$5.00; from each person engaged in the testing of cream or milk for commercial purposes, \$1.00. Said fees shall in each case be paid into the treasury of this state and credited to the general fund as provided by law in advance of the issuance of any permit. All permits so issued shall expire on the thirtieth day of June next succeeding the date of issuance. When a permit is issued to such manufacturer, dealer, creamery, or factory after the beginning of any license year, the fee charged and collected therefor shall be proportioned to the unexpired portions of such year, counting from the first day of the month in which such license is issued.

SEC. 18. *Cleanliness of dairy implements and quarters.* It is hereby made unlawful to use or employ in and about the keeping or handling of any milk, cream or dairy products to be used as food any pail, can, vessel, churn, separator^a or other implement which is in an unclean or unsanitary condition; or to operate any creamery or factory in the manufacture of any dairy products which is in an unclean condition.

SEC. 19. *Sale of diseased milk.* It shall be unlawful to knowingly sell or offer for sale any milk or cream from diseased or unhealthy cows, or from cows kept in a filthy or unsanitary condition.

SEC. 20. *Testing of milk and cream; standards.* It is hereby made unlawful for any person, tester, or inspector to willfully take or submit for the purpose of any test contemplated by this act, any false or unfair sample, of either milk or cream; or to falsify, improperly manipulate, over-read or under-read, or in

^a So in Statutes.

any other manner make, announce or record any false or untrue test of either butter or cream, or to use any false measure, scale, instrument or appliance in the testing of either milk or cream, with the effect of announcing, making or recording any false result of any test; or to employ any contrivance, instrument or method for testing the milk or cream with the effect of falsely determining the butter fat content of any milk or cream so tested.

Wherever the same is not sold under an actual test as in this act provided, the following minimum standards for milk and cream are hereby established:

Milk shall contain not less than three per centum of butter fat and cream shall contain not less than eighteen per centum of butter fat, and it is hereby made unlawful for any person or persons to sell or offer for sale in this state except under such test, any milk or cream falling below said minimum standard therefor.

In no event shall milk or cream be sold or offered for sale when produced within fifteen days before or five days after calving.

SEC. 21. *Testing milk and cream; butter fat.* In testing milk or cream for commercial purposes under the provisions of this act the same shall be done in accordance with the rules and regulations therefor prescribed by said commission.

It is hereby made the duty of said inspector to supply to each inspector and tester under this act at the time of issuing to him a license or permit, a copy of all rules and regulations formulated by it, relating to the dairy industry and then in force.

All cream sold in the State of Nebraska for the purpose of butter making shall be tested for butter fat by the following prescribed method. The Babcock test shall be employed, using a weighed sample of eighteen grams, (18 gms.) weighed on a delicate balance and tested in a nine inch bottle, graduated to at least five-tenths per cent, (.5 per cent) of the column of fat read between the temperature of 130 degrees and 140 degrees Fahrenheit.

It is unlawful for any owner or employee of any creamery or cheese factory to improperly manipulate or under-read the Babcock test.

Approved April 5, 1907. Laws of 1907, ch. 63, pp. 251-255.

NEVADA.

WATER.

SEC. 1. *Penalty for polluting water supply; provisos.* Any person or persons, firm, company, corporation or association in this State, or the managing agent of any person or persons, firm, company, corporation, or association in this State, or any duly elected, appointed or lawfully created State officer of this State, or any duly elected, appointed or lawfully created officer of any county, city, town, municipality, or municipal government in this State, who shall deposit, or who shall permit or allow any person or persons in their employ or under their control, management or direction to deposit in any of the waters of the lakes, rivers, streams and ditches in this State any sawdust, rubbish, filth, or poisonous, or deleterious substance or substances, liable to affect the health of persons, fish, or live stock, or place or deposit any such deleterious substance or substances in any place where the same may be washed or infiltrated into any of the waters herein named, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be fined in any sum not less than fifty dollars nor more than five hundred dollars, exclusive of court costs; *provided*, that in cases of State institutions, municipalities, towns, incorporated towns or cities, when, owing to the magnitude of the work, immediate correction of the evil is impracticable, then in such cases the authorities shall adopt all new work, and as rapidly as possible reconstruct the old systems of drainage sewerage so as to conform with the provisions of this Act; *and provided further*, that all such new and reconstructed systems shall be completed before March 20, 1911; *provided*, that nothing in this Act shall be so construed as to permit mining or milling companies to dump tailings directly into any stream in this State so as to prevent or impede the natural flow of such stream. Nothing in this Act shall be so construed as to apply to any quartz mill or ore reduction works in this State.—*As amended March 12, 1907; Statutes of 1907, ch. 57, pp. 104-105. See Bul. 69, Rev., Pt. IV, p. 360.*

Approved March 20, 1903. Statutes of 1903, ch. 122, pp. 214-215.

NEW HAMPSHIRE.

GENERAL FOOD LAWS.

SEC. 1. *Sale of adulterated or misbranded food or drugs unlawful.* No person, firm or corporate body shall, within the state, manufacture for sale, offer for sale, have in possession with intent to sell, or sell any adulterated or misbranded article of food or substance to be used in the manner of food or drink, or any adulterated or misbranded drug or substance to be used in the manner of medicine.

SEC. 2. *Definition of "food."* The term "food" as used in this act shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound. * * *

SEC. 3. *Adulteration defined.* For the purposes of this act an article shall be deemed to be adulterated:

In the case of foods:

First. If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contains any added substance or ingredient that is poisonous or injurious to health.

Sixth. If it contains any added antiseptic or preservative substance except common table salt, salt peter, cane or beet sugar, vinegar, spices, or wood-smoke. *Provided* that when in the preparation of food products for shipment they are preserved by any external application applied in such a manner that the preservative is necessarily removed mechanically or by maceration in water or otherwise, and directions for the removal of said preservative shall be printed on the covering of the package, the provisions of this act shall be construed as applying only when said products are ready for consumption. And *furthermore* the provisions of this act shall not apply to the addition of not more than one tenth of one per cent. of benzoate of soda in the case of cider, tomato catsup, fruit jams, jellies or preserves, or such other perishable articles of food or drink as the state board of health may from time to time determine cannot be successfully marketed without such addition, the presence and percentage of which said benzoate of soda shall in every case be stated upon the label of the said cider, tomato catsup, fruit jams, jellies or preserves, or other articles hereafter determined, in type as large or larger than eight-point caps: *provided* that in case the size of the package will not admit of the use of eight-point cap type the size of the type may be reduced proportionately.

Seventh. If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of any animal unfit for food,

whether manufactured or not, or if it is a product of a diseased animal, or one that has died otherwise than by slaughter.

In the case of confectionery:

If it contains terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous flavor or color, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug. * * *

SEC. 4. "*Misbranded*" defined. The term "misbranded" as used herein, shall apply to all drugs or articles of food, or articles which enter into the composition of foods, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the state, territory or country in which it is manufactured or produced.

That for the purposes of this act an article shall be deemed to be misbranded:

In the case of foods:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the presence and quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilid, or benzoate of soda, or any derivative or preparation of any such substances contained therein.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not correctly stated on the outside of the package.

Fourth. If the package containing it, or its label shall bear any statement, design, or device regarding the ingredients, or the substances contained therein, which statement, design, or device shall be false or misleading in any particular. *Provided*, that an article of food that does not contain any added poisonous or deleterious ingredients shall not be deemed to be misbranded or adulterated in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of, or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be is plainly stated on the package in which it is offered for sale: *Provided* that the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring or flavoring only. *And provided further*: That nothing in this act shall be construed as requiring manufacturers or proprietors of proprietary foods which shall contain no unwholesome added ingredient to disclose trade formulas except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

SEC. 5. *Exemption under guaranty*. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from

whom he purchases such articles, to the effect that the same in original unbroken packages is not adulterated or misbranded within the meaning of this act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles, to such dealer.

SEC. 6. *Action to recover purchase price.* From and after the passage of this act, in all civil actions to recover the purchase price of any product used for food or drink or medicine by man, it shall be competent for the defendant in every such case, to prove that the product was adulterated or misbranded within the meaning of this act, and proof thereof having been made, shall amount to a good and legal defense of the whole of the plaintiff's demand.

SEC. 7. *Enforcement of the act.* The state board of health shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of foods and drugs manufactured, offered for sale, or sold in this state. The examination of foods and drugs shall be made at the laboratory of the state board of health, and the results of such examinations shall be published in the bulletin issued by the state board of health.

SEC. 8. *Prosecution.* It shall be the duty of the state board of health, whenever it has satisfactory evidence of the violation of any of the provisions of this act, to report the facts to the county solicitor, of the county where the offense occurred, and the said county solicitor shall prosecute the case to final judgment.

SEC. 9. *Penalty.* Any person, firm, company, or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished for each offense by a fine of not less than twenty-five dollars nor more than two hundred dollars, or shall be imprisoned for a term not exceeding six months, or by both fine and imprisonment.

SEC. 10. *Disposal of fines collected.* All fines collected for the violation of the provisions of this act shall be paid to the state treasurer, who shall deposit such money to the credit of a fund to be used toward carrying out the provisions of this act, to be drawn against under the approval of the governor and council.

SEC. 11. *Repeal.* All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 12. *Effect.* This act shall take effect and be in force on and after October 1, 1907.

Approved March 7, 1907. Laws of 1907, ch. 48, pp. 45-49.

CONFECTIONERY.

See General Food Law, page 147.

DAIRY PRODUCTS.

SEC. 1. *Standard for ice cream.* No person shall manufacture for sale, keep for sale, sell, exchange, barter or deal in ice cream which shall contain any substance other than milk, cream, eggs, sugar and some neutral flavoring or which shall contain less than 14 per cent. butter fat.

SEC. 2. *Penalty; effect.* Any person who shall violate the provisions of this act shall be fined no less than \$10 nor more than \$50. This act shall take effect upon its passage.

Approved March 22, 1907. Laws of 1907, ch. 72, p. 74.

SEC. 1. *Cans for milk must be thoroughly cleansed.* No person company or corporation shall furnish or provide any can, or other receptacle, used for the purpose of transporting milk or cream, unless said can, or other receptacle, and the cover or stopple thereto be thoroughly cleansed by the use of hot water or steam, or both hot water and steam, before said can, or other receptacle, is delivered to the person who is to fill the same.

SEC. 2. *Penalty.* Any person violating the terms of this act shall be fined the sum of five dollars for each can, or other receptacle furnished, in accordance with section 1.

SEC. 3. *Effect.* This act shall take effect on its passage.

Approved March 22, 1907. Laws of 1907, ch. 75, p. 77.

ICE.

SEC. 1. *Weighing.* A dealer in ice who on request of the purchaser of ice, refuses or neglects to weigh the same when delivered or gives false weight shall for each offense be punished by a fine of not more than fifty dollars. Whoever, having charge of the delivery of ice from a wagon, not being a dealer in ice, refuses on the request of the purchaser of ice to weigh the same when it is delivered or gives false weight, shall be punished by a fine of not more than ten dollars.

SEC. 2. *Effect.* This act shall take effect upon its passage.

Approved February 20, 1907. Laws of 1907, ch. 20, p. 22.

PRESERVATIVES.

See General Food Law, page 147.

RULES AND REGULATIONS.

[Only regulations covering points not considered in the Federal regulations are reprinted.]

The New Hampshire food and drugs act, 1907, is, with one or two exceptions, like the national food and drugs act of June, 1906: hence many of the regulations herein issued by the State board of health are identical with those issued by the National Government, so that upon points which are alike in the law there will be no difference of interpretation between the authorities of the United States Government and those of the State of New Hampshire; but, on the other hand, there will be cooperation of action.

REGULATION 4. *External application of preservatives.* (a) Poisonous or deleterious preservatives shall only be applied externally, and they and the food products shall be of a character which shall not permit the permeation of any of the preservative to the interior, or any portion of the interior, of the product.

(b) When these products are ready for consumption, if any portion of the added preservative shall have penetrated the food product, then the proviso of section 3, paragraph 6, under "Foods," shall not obtain, and such food products shall then be subject to the regulations for food products in general.

(c) The preservative applied must be of such a character that, until removed, the food products are inedible.

(d) The provisions of the law of 1907 require that if benzoate of soda is thus used, the fact of such use must be stated upon the label of the package sold to the consumer.

(e) The use of benzoate of soda is prohibited in all articles of food and drink except those mentioned above, and such others as the State board of health may deem necessary to add to the list. The use of all other so-called chemical preservatives is absolutely forbidden. Labeling a food product that it contains a preservative other than as specified under (d) does not legalize its use.

REGULATION 5. *Relative to the use of benzoate of soda as a preservative in cases other than that provided for in regulation 4.* (Section 3, paragraphs 5 and 6, law of 1907.) Benzoate of soda, in the proportion of not more than one-tenth of one per cent, may be used in cider, tomato catsup, fruit jam, jellies and preserves; where thus used its presence and percentage must be stated upon the label in every case, in type as large or larger than 8-point caps, if the package will admit of that size type.

REGULATION 6. *Products containing benzoate of soda sold other than from original packages.* In the case of cider or other article sold in bulk, for the preservation of which the use of benzoate of soda is allowed under the law of 1907, notice of the presence of such preservative shall be conveyed by means of printed signs, conspicuously displayed to the purchaser, and of a size and form approved by the secretary of the State board of health. Such signs may read: "Sweet Cider on Sale." "Contains one-tenth per cent of benzoate of soda to prevent fermentation."

REGULATION 26. *Candy.* (Chapter 26, Laws of 1899.) It is illegal to manufacture, sell, or offer for sale candy adulterated with any mineral substance whatever, or with poisonous colors or flavors, or with any other ingredient detrimental to health.

REGULATION 27. *Maple sirup.* (Chapter 118, Laws of 1905.) Maple sugar, maple candy, or maple sirup must be made solely from the sap of the maple tree and contain no added matter of whatever kind.

REGULATION 28. *Cider vinegar.* (Chapter 118, Laws of 1905.) Cider vinegar must be made solely from cider made from apples, and must have an acidity of not less than 4 per cent by weight of absolute acetic acid, and contain not less than one and six-tenths, by weight, of apple solids.

The addition of water to "apple cheese" and "second pressings" gives a product deficient in apple solids, as also does the diluting with water of strong cider vinegar to the legal minimum requirement. Water so added is an adulteration. Regulation 15 (e) prohibits the addition of color to spirit vinegar, unless labeled to conform to the law.

REGULATION 29. *Relative to the sale of vinegar.* It is held that the term "vinegar," as ordinarily used in New Hampshire, without any distinguishing qualification, applies only to cider vinegar. Dealers supplying so-called "spirit" vinegar, colored in imitation of cider vinegar, are therefore required to give due notice to the customer that the article thus supplied is not cider vinegar.

REGULATION 30. *Liquor, definition of.* (Chapter 95, Laws of 1903.) The term "liquor" includes all distilled and rectified spirits, wines, fermented or malt liquors, or any beverage that contains 1 per cent of alcohol.

REGULATION 31. *Ice cream.* Ice cream containing any other substance than milk, cream, eggs, sugar, natural flavoring, and less than 14 per cent of butter fat can not be legally sold or offered for sale.

REGULATION 32. *Flavoring extracts.* (Chapter 269, section 5, Public Statutes.) The percentage of alcohol is not required to be stated in the case of

extracts to be sold for the preparation of foods only. Many of the flavors offered for sale are synthetic preparations, resembling the flavor of the article named, and in every such case the label must be true to the character of the preparation. As an illustration, a preparation made from the tonka bean, coumarin, and vanillin can not be sold as "extract of vanilla," but it may be sold if labeled "Imitation vanilla flavor," or "Vanilla and vanillin flavor," or "Vanillin and coumarin flavor," or "Vanilla substitute." The same applies to other flavoring preparations, as imitation pineapple flavor, imitation strawberry flavor, imitation banana flavor, etc. Artificial color should be declared whenever present.

REGULATION 33. *Molasses containing glucose.* A mixture of molasses with glucose or corn sirup is not molasses, and dealers are notified (or warned) that the offering of such without due notice, in response to calls for "molasses," is fraudulent. In addition to such verbal notice it is suggested that dealers selling molasses-glucose mixture further protect themselves by the posting in their places of business of notices to the effect that "molasses and glucose (or corn sirup) mixture is sold here."

REGULATION 34. *Artificially colored bottled soda water.* Section 3, Law of 1907, provides that "an article shall be deemed to be adulterated if it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed:" also, "if it contain any added substance or ingredient that is poisonous or injurious to health."

It is held that the use of aniline or other color in the bottling of so-called "strawberry" or "raspberry" pop is for the deliberate purpose of concealing inferiority, inasmuch as the basis of these products is a colorless artificial ether, the odor of which possesses not more than a faint suggestion of that due to strawberry or raspberry. In addition to this, the amount of dye found in bottled goods of this description is not infrequently enormous and can not fail to have a deleterious effect. Finally, these goods, under the present style of labeling, are plainly misbranded.

REGULATION 35. *The labeling of mixtures of cane and maple sirups.* When both maple and cane sugars are used in the production of sirup, the label should be varied according to the relative proportion of the ingredients. The name of the sugar present in excess of 50 per cent of the total sugar content should be given the greater prominence on the label—that is, it should be given first. For example, a sirup the sugars of which consist of 51 per cent cane sugar and 49 per cent maple sugar would be properly branded as "Sirup made from cane and maple sugar," or as "Cane and maple sirup." The terms "maple sugar" and "maple sirup" may only be used on the label as part of the name when those substances are present in substantial quantities as ingredients. They should not appear on the label as part of the name when only a small quantity of those substances is used to give a maple flavor to the product. A cane sirup containing only enough maple sirup or maple sugar to give a maple flavor is properly labeled as "Cane sirup, maple flavor," or "Cane sirup flavored with maple."

REGULATION 36. *Purchase of samples.* (Chapter 269, section 5, Public Statutes.) Any person exposing or offering for sale any drug or article of food is compelled to sell, when so requested, a sample to any duly appointed officer sufficient for the purposes of analysis at the State Laboratory of Hygiene.

REGULATION 37. *Standards of purity for food products.* Where not otherwise provided, the standards of purity for food products shall be those adopted and in use by the United States Department of Agriculture.

APPENDIX.

CONNECTICUT.

GENERAL FOOD LAWS.

SEC. 1. *Adulteration of food for sale.* It shall be unlawful for any person to manufacture, transport, sell, or offer for sale or transportation any article of food or drugs which is adulterated or misbranded within the meaning of this act.

SEC. 2. *"Food" defined.* * * * The term "food" as used herein shall include all articles, whether simple, mixed, or compound, used for food, drink, confectionery, or condiment by man or animals.

SEC. 3. *Adulteration defined.* For the purposes of this act an article shall be deemed to be adulterated: * * *

In the case of confectionery: If it contains terra alba, barytos,^a talc, chrome yellow, or other mineral substances or poisonous color or flavor, or other ingredients deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound, or narcotic drugs. In the case of foods: First, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength: Second, if any substance has been substituted wholly or in part for the article: Third, if any valuable constituent of the article has been wholly or in part abstracted therefrom: Fourth, if it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed: Fifth, if it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health: Sixth, if it consists, in whole or in part, of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, if it is the product of a diseased animal or one that has died otherwise than by slaughter.

SEC. 4. *"Misbranded" and "blend" defined.* The term "misbranded" as used in this act shall apply to all drugs or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the state, territory, or country in which it is manufactured or produced. For the purposes of this act an article also shall be deemed to be misbranded: * * *

In the case of foods: First, if it be an imitation of or offered for sale under the distinctive name of another article. Second, if it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not in fact a foreign product, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have

^a So in Statutes.

been placed in such package, or if it fails to bear a statement on the label of the quantity or proportion of morphine, opium, cocaine, alpha or beta eucaine, heroin, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any of the said substances contained therein. Third, if, when in package form and the contents are stated in terms of weight or measure, the weight or measure is not plainly and correctly stated on the outside of the package. Fourth, if the package containing it, or the label of such package, shall bear any statement, design, or device regarding the ingredients or the substance contained therein, which statement, design, or device shall be false or misleading in any particular: provided, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases: First, in the case of any mixture or compound which may be now or from time to time hereafter known as an article of food under its own distinctive name, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied, on the same label or brand, with a statement of the place where said article has been manufactured or produced. Second, in the case of an article labeled, branded, or tagged so as to plainly indicate that it is a compound, imitation, or blend, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale; provided, that the term "blend" as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients, used for the purpose of coloring and flavoring only; and provided, further, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulae except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

SEC. 5. *Rules and regulations.* The dairy commissioner and the director of the Connecticut agricultural experiment station, acting jointly, shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of foods and drugs manufactured, sold, transported, or offered for sale or transportation within this state, or which may be submitted for examination by any health, food, or drug, officer of any town, city, or county in the state. Such rules and regulations shall, where possible, conform to and be the same as the rules and regulations adopted, from time to time, for the enforcement of the act of Congress approved June 30, 1906, and known as the "Food and Drugs Act."

SEC. 6. *Collection of samples.* Under the aforesaid rules and regulations representative samples shall be collected by the dairy commissioner or his deputies, and the Connecticut agricultural experiment station or its agents. The dairy commissioner or his deputies and the agents of said agricultural experiment station shall have access, at all reasonable hours, to any place where it is suspected that there is kept for sale or export any article of food or drugs, adulterated or misbranded within the meaning of this act, and said dairy commissioner or his deputies, and the agents of said agricultural experiment station, upon tendering the market price thereof, may take from any person, firm, or corporation samples of such articles. Samples may be purchased in the open market, and if in bulk, the mark, brands, or tags upon the package, carton, wrapper, or other container and the accompanying printed or written matter shall be noted, and the person collecting such samples shall also note the names of the vendor and the agent through whom the sale was actually made, together with the date of the purchase. Samples shall be divided into three equal parts and each part shall be labeled with identifying

marks; one of said parts shall be delivered to the person from whom the purchase was made, or if a guaranty has been given as hereinafter provided such part shall be delivered to the guarantor, one of said parts shall be sent to the Connecticut agricultural experiment station, and one part shall be held, under seal, by the dairy commissioner. The parts of the samples so divided shall be sealed by the person collecting the same with a seal provided for that purpose.

SEC. 7. *Examination of samples; result of analysis certified to dairy commissioner.* It shall be the duty of the Connecticut agricultural experiment station to make analyses and examinations of all such articles as shall be furnished under the provisions of section six of this act for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act, and to certify the results of such analyses and examinations to the dairy commissioner.

SEC. 8. *Notice to manufacturer, etc.; hearings.* When any such examination or analysis shows that any provisions of this act have been violated, the dairy commissioner shall cause notice of such fact, together with a copy of the findings, to be given to the party or parties from whom the sample was obtained, and to the party, if any, whose name appears upon the label as manufacturer, packer, wholesaler, retailer, or other dealer. The parties so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and notices shall specify the date, hour, and place of such hearing, and if any person or corporation concerned resides without the state, reasonable notice shall be given by mail at such address as may, with due diligence, be obtained. The hearing shall be private and the parties interested therein may appear in person or by attorney.

SEC. 9. *Certification of findings to prosecuting officer.* If, after such hearing, the dairy commissioner shall find that any provision of this act has been violated he shall at once certify to the proper prosecuting officer a copy of the results of the examination or analysis of such article, duly authenticated by the analyst or officer making such examination or analysis, under oath of such officer.

SEC. 10. *Prosecution.* It shall be the duty of the prosecuting officer to whom said dairy commissioner shall report any such violation as hereinbefore provided to forthwith cause appropriate proceedings to be commenced in the proper court for the enforcement of the penalties in such cases herein provided.

SEC. 11. *Notice of judgment by publication; appeal.* After judgment of said court, notice thereof shall be given by publication in such manner as may be prescribed by the rules and regulations hereinbefore provided for, and if an appeal be taken from the said judgment notice of that fact shall be included in said publication.

SEC. 12. *Penalty.* Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and for a first offense shall, upon conviction thereof, be fined not less than five dollars nor more than three hundred dollars, and for each subsequent offense and conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned not less than thirty days nor more than one year, or both.

SEC. 13. *Exemption.* No dealer shall be punished under the provisions of this act for selling or offering for sale any article of food or drugs in the original, unbroken package in which it was received by said dealer, provided he can establish a guaranty by the wholesaler, jobber, manufacturer, or other person residing in the United States from whom he purchased such article to the effect that said article is not adulterated or misbranded within the meaning of this

act; provided, that said guaranty shall contain the name and address of the person making the sale of said article to such dealer, and in such case said person shall be amenable to the prosecution and penalties which would otherwise attach to said dealer under the provisions of this act. When the examinations or analyses herein provided for show that the provisions of this act have been violated and the dealer is relieved from prosecution under this section by the production of a guaranty signed by a person residing outside of this state, then the dairy commissioner shall report such fact to the Secretary of Agriculture of the United States, or the proper officer appointed for the enforcement of the act of Congress approved June 30, 1906, and known as the "Food and Drugs Act."

SEC. 14. "*Person*" *defined*. The word "person" in this act shall be construed to import the singular and the plural as the case demands, and shall include corporations, companies, societies, and associations, when construing and enforcing the provisions of this act, and the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of said person.

SEC. 15. *Repeal*. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed; but nothing in this act shall be construed as repealing chapter 127 of the public acts of 1905.

SEC. 16. *Effect*. This act shall take effect January 1, 1908.

Approved July 31, 1907. Public Acts of 1907, ch. 255, pp. 865-870.

CONFECTIONERY.

See General Food Law, page 152.

